ALABAMA DEPARTMENT OF TRANSPORTATION
EQUAL EMPLOYMENT OPPORTUNITY PROGRAM
CONTRACTOR COMPLIANCE 2018 UPDATE
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## Part I — Contract Compliance

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Alabama Department of Transportation (ALDOT) devotes a full bureau within the agency, referred to as the Compliance & Business Opportunity Bureau, to the responsibility of implementing and monitoring all Federal Highway Administration (FHWA) Civil Rights programs. The Compliance Bureau has the primary function of the continuous administration of ALDOT’s EEO/Affirmative Action Program. The program is designed to implement federal and state laws, as well as regulations issued by federal agencies regarding Equal Opportunity (EO) requirements. The ALDOT EEO (External) Coordinator is a full-time position which is held by the Compliance Bureau Chief, and has the responsibility of overall supervision. The EEO Coordinator has thirty-five (35) years of experience in EEO and Civil Rights activities on local, state and federal levels. SEE EXHIBITS A & B


The External Program’s Unit Supervisor has been involved in an array of ALDOT programs implementing federal regulations and state laws specific to EEO. The Unit Supervisor has over forty-two (42) years with the State of Alabama in various supervisory and managerial capacities involving compliance with state and federal requirements. In addition to her experience, the External Unit Supervisor achieved Master Compliance Administrator (MCA) Certification granted by the American Contract Compliance Association Training Institute. The External Unit Supervisor is assisted by two EEOs referred to as the “Contract Compliance Coordinator” and “OJT Training Coordinator”.

It should be noted that the External Unit/Compliance Bureau acts as liaison between FHWA and the rest of the agency, but it does not have the authority to implement the contract sanctions set forth in the parameters of FHWA 1273 when a contractor is not meeting the obligations and responsibilities of the contract. This authority is maintained by the ALDOT Regions.
ALDOT is divided into five regions (North, East Central, West Central, Southeast & Southwest) that are found in various geographical locations throughout Alabama. Furthermore, each region is divided into two district areas (North-Tuscumbia/Guntersville, East Central-Birmingham/Alexander City, West Central-Tuscaloosa/Fayette, Southeast- Montgomery/Troy, and Southwest- Grove Hill/Mobile). Each region will have a Regional Engineer who directs all aspects of ALDOT responsibilities on a local level. The Regional Engineer has authority to make some modifications to the region's organizational structure and job responsibilities within his/her region.

There is an agency standard that each Regional Engineer employ a Project Manager/District Manager to oversee the project in its entirety and to completion. The Project Manager and project personnel will have contact with the contractors and issue guidance to the contractors. The preferred regional organizational structure is that each district area has an EEO/Compliance Specialist to complete the majority of EEO tasks, but is not always the case due to the nature of the region or inability to fill the position.

In the North Region (Guntersville/Tuscumbia), both full time EEO Officer positions are currently vacant, however the duties and responsibilities are performed by the Area Operations Engineer. Those duties include, counseling ALDOT employee relation matters, conducting EEO safety meetings, reviewing DBE verification interview forms, performing yearly Contract Compliance reviews, reviewing monthly EEO individual interviews submitted by construction projects as well as facilitating participation in the Youth Transportation and Workforce Development program. The EEO responsibilities also include attending pre-construction conferences, public hearings and workshops/seminars to provide and/or receive information concerning areas such as relocation, contract requirements and department directives.

In the Southeast Region, the responsibilities are also divided by the district areas (Montgomery & Troy). The Montgomery Area has an EEO Officer who reports to the District Area Operations Engineer. The responsibilities of this full-time position include conducting Contract Compliance reviews, investigating compliant/grievances, labor compliance, discuss EEO Contract requirements at Pre-Construction Conferences, and conduct Title VI reviews and DBE reviews. In the Troy area, the project manager oversees all internal EEO matters as well as construction projects. The project manager will also request assistance from project personnel to complete EEO responsibilities as needed. Those responsibilities shall include labor interviews, contractor trainee interviews, labor payroll reviews and monthly training reports to the Troy Area office.

The West Central Region, staffing includes an EEO, Sr. for the Fayette district area and a State Professional Trainee for the Tuscaloosa area. The EEO, Sr. reports to the Regional Engineer and the State Professional Trainee reports to the EEO, Sr. The responsibilities of the EEO position include assisting with harassment/discrimination grievances, provide all employees with directions on fair treatment of employment in ALDOT, investigate workplace violence claims and provide coaching/counseling employee sessions to promote conflict resolution. During the calendar year of 2017, EEO training included the following: Progressive Discipline, Performance Appraisal for Supervisors, Employment Law for Manager/Supervisor, Workplace Harassment, Dynamics of Supervision, Ethics II, and Ethics Training/ALDOT. The EEO, Sr/State Professional Trainee have full-time status and no labor compliance or engineering responsibilities. This region also has a full time Contract Compliance Officer who directly reports to the Construction Engineer. The duties of the Contract Compliance officer include conducting contract compliance reviews, entering DBE Form 10’s into CPMS, submitting monthly/annual OJT reports, verifying certified payrolls and reviewing individual employee interviews.
The **Southwest Region**, divides EEO responsibilities by its District Areas (Grove Hill & Mobile). The Grove Hill area office has a full-time EEO who directly reports to the Operations Engineer. The responsibilities of the EEO include, Labor Compliance, Contract Compliance Reviews, DBE-10 reports, Title VI Reviews, Contractor’s Employee interviews, DBE On-Site Verification Reviews, Certified Payroll, Certifications of Payments to DBE Firms and administering division complaint/grievances. The Mobile area office also has a full time EEO officer that reports directly to the Region Engineer. The EEO officer’s responsibilities include but are not limited to Contract Compliance reviews, preparing Title VI Annual/Semi Annual reports, conducting interview reports for DBE’s, conduct ALDOT Americans with Disabilities Self Evaluation and Transition plan, while also carrying out contractor labor compliance duties. During the calendar year of 2017, EEO officers in this region participated in training such as Labor and Employment Law Seminar, Situational Leadership, Human Resource Professionals Seminar, Internal Investigations Certification Program and FHWA Monthly Civil Rights Webinars. The EEO officers in both offices are responsible for attending public town meetings as well as pre-construction conferences.

The **East Central Region** has an EEO Officer who reports to the Region Engineer. The EEO Officer has duties and responsibilities that cover 9 districts and 12 project offices. Those responsibilities include, conducting compliance reviews, investigating employee and/or public complaints, interviewing and making hiring recommendations, prepare and conduct performance appraisals, recommend disciplinary actions (counseling, warning, reprimand, suspension and dismissal), coordinates all legal requests and monitoring activities in programs such as Disadvantaged Business Enterprise (DBE), OJT, Youth Transportation, Americans with Disabilities Act (ADA) and Affirmative Action. The EEO Officer is also responsible for attending meetings with the Region/Area engineers, District managers, employees, contractors and the public to ensure the Department maintains compliance with Federal and State regulations.

In August 2017, FHWA partnered with the External Programs to provide a technical assistance webinar. The intended purpose of this webinar was to provide training to all Region/Area offices along with the Central Office on the implementation of the new 1392 module. After the webinar, a training/user guide was also provided by FHWA on proper use of the Civil Rights Connect system.

**Project Personnel**

Describe the EEO role of project personnel.

In all Regions, the Project Manager and his/her staff of Project Personnel are responsible for ensuring that the operations of the contractor(s) are performed in accordance with the plans, specifications and special provisions set forth in the contract. The Project Manager will adhere to a set of guidelines contained within the “Construction Manual” which outlines the Project Manager’s responsibilities including those that are of an EEO nature. The manual details a mandatory uniform filing system to be utilized on each project that is consistent with good business procedures. The filing system is broken down into four basic sections:

- Section 1 – Contractor’s Payroll Correspondence, Transcripts & Affidavits
- Section 2 – EEO Correspondence, Labor Interviews, DBE/WBE Verifications & Compliance Reviews
- Section 3 – Trainee Reports (all initial, monthly & final trainee reports)
- Section 4 – DBE Utilization Plan (including each verification report)
This uniform system allows for all the contractor’s EEO-activity documentation, procured by the Project Manager, to be easily retrieved by anyone within the agency such as the Central Compliance Office and Regional EEOs/Compliance Specialists.

Along with the maintenance of the contractor’s documentation, the Project Manager and staff also has the responsibility to conduct interviews of the contractors’ employees, with a minimum of one interview per month per every fifteen employees. When staffing levels are larger, monthly interviews are conducted at the 1:15 ratio prescribed. It is important to note here, ALDOT Contract Compliance Specialists conduct interviews of employees during the Contract Compliance Review and the results are included in the review reports.

Other duties performed by the Project Manager and his/her staff include observation of the contractor’s operations, maintaining project EEO reports, checking and transmitting data to the Region/DIVISION offices, and obtaining reports to document the contractor’s efforts & accomplishments.

### II. COMPLIANCE PROCEDURES

#### Applicable directives

- FHWA Contract Compliance Procedures
- EEO Special Provisions
- Training Special Provisions
- FHWA Federal-Aid Highway Program Contract Procedures & Minority Business Enterprise

#### Implementation

- Describe process (methods of incorporating the above FHWA directives into ALDOT’s Compliance program
- Describe the methods used by ALDOT to familiarize ALDOT compliance personnel with all FHWA contract compliance directives. Indicate frequency of workshops, training sessions, etc.
- Describe the procedure for advising the contractor of the EEO contract requirements at any Pre-Construction Conference held in connection with a Federal-aid contract

The contract compliance review incorporates FHWA directives through formatting provided in the Desk Reference; specifically, the following:

- Appendix G: Contractor Compliance Review Data Report
- Appendix I: Compliance Review Questions for Contractor for On-site Verification & Interviews (Phase II)
- Appendix J: Sample Correspondence
  - Contractor Voluntary Corrective Plan Letter
  - Contractor Show Cause Notice Letter
  - Notice of Compliance to Contractor from STA
  - Contractor Voluntary Correction Action Plan Letter
  - Contractor Compliance Review Report Checklist
ALDOT utilizes teleconferences, workshop-style meetings and symposiums (previously described training classes) to ensure that employees with EEO responsibilities are knowledgeable about EEO requirements and are informed of any updates published by FHWA.

Within fifteen (15) working days of the issuance of the Notice to Proceed, the Region Construction Engineer will arrange a Pre-Conference between agency personnel, the prime contractor, subcontractors, utility company representatives and other interested parties. (If the project is federally-funded, the FHWA Area Engineer will be invited.) The purpose of the conference is to introduce everyone who will be actively associated with the project. During the conference, plans, specifications, special provisions, and unusual conditions of the specific project will be discussed along with how the Prime Contractor plans to staff and construct the project. A suggested agenda format for the Pre-Construction include the following:

- Request for information in writing from the Prime Contractor (including Name of Company, Project Safety Officer, Name of company EEO Officer & Affidavits authorizing person(s) to sign labor Payroll)
- Region EEO or a designated representative will discuss and ensure the Prime Contractor has a clear understanding of what is expected between all parties concerning EEO requirements contained within the contract (including FHWA 1273, all EEO special provisions, bulletin board requirements, employee interviews, project DBE obligations, and On-the-Job training where applicable)

Construction projects that contain the Training Special Provision (TSP) will require the involvement of EEOs from the External Programs Unit program (EPU). The EPU program provides further emphasis on the importance of the contractor’s OJT responsibilities and obligations as well as providing updates of the enhancement parts of the OJT manual.

On January 31, 2018, the Annual OJT report for calendar year 2017 was submitted to FHWA. A total of 49 enrollees were in the OJT program and 35 trainees graduated during calendar year 2017.

<table>
<thead>
<tr>
<th>Male Enrollees</th>
<th>Total</th>
<th>Percentage</th>
<th>OJT Enrollment</th>
<th>Female Enrollees</th>
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<th>Percentage</th>
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<tr>
<td>Overall Total Males</td>
<td>47</td>
<td>96%</td>
<td></td>
<td>Overall Total Females</td>
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<table>
<thead>
<tr>
<th>Male Trainees</th>
<th>Total</th>
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<th>OJT Graduates</th>
<th>Female Trainees</th>
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<th>Percentage</th>
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<td>0%</td>
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<td>American Indian</td>
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</tr>
<tr>
<td>Overall Total Males</td>
<td>34</td>
<td>97%</td>
<td></td>
<td>Overall Total Females</td>
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III. ACCOMPLISHMENTS

Describe accomplishments in the construction EEO compliance program during the past fiscal Year.

Regular Project Compliance Review Program

<table>
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<th>Compliance Reviews</th>
<th>Total number conducted</th>
<th>Total number needing a Follow-up that was conducted</th>
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<tbody>
<tr>
<td>Total number reviewed</td>
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<td>1</td>
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<table>
<thead>
<tr>
<th>Contractors</th>
<th>Total number reviewed</th>
<th>Total number to be found:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>11</td>
<td>&quot;In Compliance&quot;</td>
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<table>
<thead>
<tr>
<th>Show Cause Notices</th>
<th>Total number Issued</th>
<th>Total number rescinded</th>
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</thead>
<tbody>
<tr>
<td></td>
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<td>1</td>
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Consolidated Compliance Reviews
Since the implementation of the consolidated review, ALDOT has not been directed by either FHWA or OFCCP to cooperate with this type of review.

Home Office Reviews
The guidance given in FHWA 1273 dictates that ALDOT’s oversight responsibilities of ensuring contractor compliance in non-discrimination and affirmative action measures are limited to the contract, which is the project. Home Office Reviews require reviewing outside of the scope of the contract (home office location and reviewing personnel outside project classifications), thus ALDOT solely conducts project reviews.

Major Problems Encountered
The overall goals for calendar year 2017 included completing 17 contractor compliance reviews, however only 11 were completed thus not meeting the overall goal. The External Programs Unit (Central Office) was actively engaged in efforts to assist in the regions, however utility problems were encountered by the Southeast and East Regions stagnating the projects. The East Region also experienced staffing opportunities impacting their heavy workload which have now been improved with the hiring of a State Professional Trainee in 2018. Any incomplete projects that were goals to be reviewed in 2017 will be rescheduled in 2018.

Major Breakthroughs
The Compliance Bureau requested the Alabama State Personnel Board to review the EEO classification within ALDOT. Since the EEO classification is defined with all state agencies in mind, including those that fall out of the scope of highway construction, this approved reconsideration will allow ALDOT to ensure staffing levels. As a result, the EEO Senior classification became effective during calendar year 2017.
Currently ALDOT does not have an Area Wide Plan that takes the form of either a voluntary “Hometown” approved by OFCCP or an OFCCP-mandated “Imposed” plan.

V. CONTRACT SANCTIONS

Describe the procedures used by ALDOT to impose contract sanctions or institute legal proceedings.
Indicate the State or Federal laws which are applicable.
Does ALDOT withhold a contractor’s progress payments for failure to comply with EEO requirements? If so, identify contractor(s) involved in such actions during the past fiscal year. If not, identify other actions taken.

In accordance with FHWA 1273, 23 CFR, Part 230, ALDOT maintains a policy that “If the Region Engineer feels that the Contractor or Subcontractor is not making his/her best effort in supply of records necessary to determine compliance with EEO requirements in the contract, he/she may temporarily withhold monthly estimates as a means of impressing upon the Contractor the necessity of those necessary records”. If during External Unit/Compliance Bureau/Regional monitoring efforts find evidence that the contractor is not making Good Faith Efforts (GFEs), the External Unit/Compliance Bureau/Regional will inform the Regional Engineer so he/she can determine the need to enforce contract sanctions.

Applicable state and federal laws are discussed within The ALDOT Standard Specifications for Highway Construction 2012 Edition 102.14 (a)(4) Laws and Ordinances, which is made available to contractors and posted on the agency’s webpage. Specifically noted are Title 23 of the U.S. Code and amendments. State Laws, specifically Title 23 and Title 29 of the Code of Alabama, 1975, covers respectively the requirements for Highways, Roads, Bridges & Ferries, and requirements for contract administrations (bonding, bidding, letting, award and payment).

There have been no reports of “failure to comply” sanctions garnered against any contractor by ALDOT who was utilized by the agency during projects active in 2017.

VI. COMPLAINTS

Describe ALDOT’s procedures for handling discrimination complaints against contractors.
If complaints are referred to a State Fair Employment Agency or similar agency, describe the referral procedure.
Identify the Federal-aid highway contractor(s) that have had discrimination complaints filed against them during the past fiscal year and provide status.

Since the State of Alabama does not have a fair employment agency, ALDOT has an FHWA- approved Title VI Complaint Procedure for Processing External Complaints of Discrimination or Retaliation and Informal Resolution policy to provide aggrieved individuals a process to bring forth complaints of discrimination regarding programs, activities, and/or services administered by ALDOT or its recipients, consultants, or contractors. SEE EXHIBIT C
In addition, ALDOT has a Contract Compliance Procedure for Processing External Complaints of Discrimination for Contractor Employees which is intended to be utilized by contractors that do not have their own procedures to process complaints of employee discrimination filed by their employees. **SEE EXHIBIT D**

During Fiscal 2017, none of the Federal-aid contractors used by ALDOT had discrimination complaints filed against them.

### VII. **EXTERNAL TRAINING PROGRAMS, INCLUDING SUPPORTIVE SERVICES**

- Describe ALDOT’s process for reviewing the work classifications of trainees to determine that there is a proper and reasonable distribution among appropriate craft.
- Describe ALDOT’s procedures for identifying the number of minorities & women who have completed training programs.
- Describe the extent of participation by women in construction training programs.
- Describe the efforts made by ALDOT to locate and use the services of qualified minority & female supportive service consultants. Indicate if ALDOT supportive services contractor is a minority or female-owned enterprise.
- Describe the extent to which reports from the supportive service contractor(s) provide sufficient data to evaluate the status of training programs, with particular reference to minorities & women.

**On-the-Job Training**

ALDOT adheres to the outlined format contained within 23 CFR Part 230.111 for the development and establishment of its On-the-Job Training (OJT) Program. ALDOT details the procedure in the ALDOT OJT Manual, which was revised in June 2017. The steps begin with the ALDOT Office of Engineers assigning an amount of training hours to a project before the bidding process allowing contractors the ability to bid on OJT. Once the project is awarded, the contractor submits to the OJT Coordinator, the firm’s OJT Plan for approval in terms of the number of trainees to be trained for each selected classification and the training programs to be utilized. The “OJT Training Coordinator” (an Equal Employment Officer within External Programs) immediately reviews the proposed OJT Plan, and if approved using the OJT Manual as a guide, forwards the approved plan to the Division(s) and the contractor(s).

The oversight process continues with periodic visits to the project construction sites to conduct trainee interviews by the OJT Training Coordinator, Regional and Project Office staff. A standardized questionnaire is used to gauge the trainees’ experiences relating to the contractor’s contractual obligations and the contractor’s administration of the designated OJT program. The ALDOT-developed role of OJT Training Coordinator has been beneficial all around. The Coordinator’s role provides trainee- monitoring assistance to Project personnel, and helps facilitate direct understanding of the program by the contractors and trainees. The Coordinator also inspects the Project Office’s OJT files for added oversight to ensure all necessary documentation is complete and adequate.

Since the primary objective in training programs is to train and upgrade minority and women work groups, the External Programs Unit requires that each region submit a monthly report to the Unit that includes all pertinent information identifying individuals selected by the contractor(s) to participate in their contracted OJT programs. In addition to the monthly updates, each region submits an annual report that provides data to show how many women, minority, and other individuals who have
successfully completed the OJT training program. Certificates are provided by the Unit which are given to the trainees after their training. A copy of the certification is included in the contract record.

Supportive Services

ALDOT directly solicits proposals for OJT Supportive Services (SS) from qualified sources including historically-black and/or state colleges/universities and the general public to ensure a competitive nature in the procurement of these supportive services.

In FY2016 $135,111 was fully awarded to ALDOT in December 2017 and allocated to the Construction Education Foundation of Alabama (CEFA). ALDOT OJT/SS FY2017 was also awarded $113,816.21 by FHWA. A Statement of Work was approved, however a request for proposal has not been done.

As required by federal regulations, ALDOT ensures its OJT/SS Contractors provide monthly and quarterly reports that comprise a sufficient amount of statistical data and narrative content to enable evaluation on both progress and problems within the program. OJT/SS Contractors are also required to conduct a Follow-up Review on the employment status of each OJT Program graduate at 90-day, 180-day, and 360- day thresholds subsequent to the effective date of their contract. (Refer to 23 CFR Part 230 Subpart A, paragraph 230.113 (f) (5) & (6))

ALDOT’s primary objective in its OJT/SS Program is to increase the effectiveness of approved OJT program while providing meaningful training opportunities for minorities, women, and the disadvantaged on Federal-aid highway projects. Each progress report submitted by contractors must include a monthly contact sheet and evaluation form with specific reference to minorities and women. ALDOT uses these reports to assess the true meaningfulness of each program. Also, with ALDOT’s OJT/SS reporting requirements, in monthly and quarterly intervals, provide ALDOT the ability to implement corrective changes and/or new ideas in such a way as to generate the most effect over the timespan of the program period.

VIII. DISADVANTAGED BUSINESS ENTERPRISE (DBE)

A. Describe the method used for the listing of minority contractors capable of, or interested in, highway construction contracting or subcontracting. Describe the process used to circulate names of appropriate minority firms and associates to contractors obtaining contract proposals.

As per 49 Code of Federal Regulations (CFR), Part 26, ALDOT established a Disadvantaged Business Enterprise Program (DBE) that superseded and replaced the Minority Business Enterprise Program and its reporting requirements.
B. Describe the State's procedure for insuring that contractors take action to affirmatively solicit the interest, capability, and prices of potential minority subcontractors.

As per 49 Code of Federal Regulations (CFR), Part 26, ALDOT established a Disadvantaged Business Enterprise Program (DBE) that superseded and replaced the Minority Business Enterprise Program and its reporting requirements.

C. Describe the State's procedure for insuring that contractors have designated liaison officers to administer the minority business enterprise program in an effective manner. Specify resource material, including contracts, which the State provides to liaison officers.

As per 49 Code of Federal Regulations (CFR), Part 26, ALDOT established a Disadvantaged Business Enterprise Program (DBE) that superseded and replaced the Minority Business Enterprise Program and its reporting requirements.

D. Describe the action the State has taken to meet its goals for prequalification or licensing of minority business. Include dollar goals established for the year, and describe what criteria or formula the State has adopted for setting such goals. If it is different from the previous year, describe in detail.

As per 49 Code of Federal Regulations (CFR), Part 26, ALDOT established a Disadvantaged Business Enterprise Program (DBE) that superseded and replaced the Minority Business Enterprise Program and its reporting requirements.

E. Outline the State's procedure for evaluating its prequalification/licensing requirements.

ALDOT only prequalifies prime contractors.

F. Identify instances where the State has waived prequalification for subcontractors on Federal-aid construction work or for prime contractors on Federal-aid contracts with an estimated dollar value lower than $100,000.

The ALDOT only requires prime contractors to be pre-qualified and does not waiver prequalification for prime contractors.

G. Describe the State's methods of monitoring the progress and results of its minority business enterprise efforts.

As per 49 Code of Federal Regulations (CFR), Part 26, ALDOT established a Disadvantaged Business Enterprise Program (DBE) that superseded and replaced the Minority Business Enterprise Program and its reporting requirements.
The External Programs Unit Supervisor (EPUS) was involved with the National Association of Women in Construction (NAWIC) and attended several meetings with the Montgomery, Alabama chapter, exploring potential partnership. These efforts resulted in approval for the EPUS to apply for membership.

Additionally, ALDOT had a January 2017 meeting with the Office of Contract Compliance Programs (OFCCP) – Birmingham (AL). Discussions included a joint technical assistance seminar with ALDOT when possible. OFCCP also contacted ALDOT about the Northern Beltway Project which is currently in the environmental document phase.

The External Programs Unit created a new report format in collaboration with FHWA, designed to provide additional details including location, type and completion dates of Regional reviews in Contract Compliance, DBE and OJT. The report also provided specific details on any payroll monitoring and prompt payment monitoring reports that were conducted throughout the year. The report was disseminated to all the Region area offices to send back a completed form to the Central Office. **SEE EXHIBIT F**

1. FHWA Federal-Aid Highway Program Manual, Volume 6, Chapter 4, Section 1, Subsection 2, Attachment 1)

2. **Attachment 2**

3. **Subsection 6 (Contract Procedures) and Subsection 8 (Minority Business Enterprise)**
PART 1
CONTRACTOR
COMPLIANCE
EXHIBITS
TITLE VI DISCRIMINATION COMPLAINT PROCEDURES

General
The Title VI discrimination complaint procedure is intended to provide aggrieved individuals a process to bring forth complaints of discrimination regarding federal financial assisted programs, activities and/or services administered by ALDOT or its sub-recipients, consultants and contractors. Title VI of the Civil Rights Act of 1964 states that: “No person in the United States shall, on the grounds of race, color, national origin, disability, age or sex, be excluded from participation in be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Purpose
The purpose is to describe the procedure used by ALDOT for processing complaints of discrimination under the Title VI of the 1964 Civil Rights Act as amended, while ensuring due process for complaints. This process does not preclude ALDOT from attempting to informally resolve complaints. This process does not deny the right of a complainant to file formal complaints with other federal agencies or seek private counsel for complaints alleging discrimination.

Authorities
Title VI and Title VII of the Civil Rights Act of 1964, State EEO and Nondiscrimination Assurances required by the Federal –Aid Highway Act of 1968, Section 22, the Civil Rights Act of 1987; the Age Discrimination Act of 1975; 23 U.S.C 140, 23 CFR Part 230; 23 CFR 635.117(d) and (e); FHWA 1273; FHWA Orders 4710.8 and FHWA Notice 4720.7(g) and the Americans with Disabilities Act (ADA) of 1990.

Investigation of Complaints
ALDOT’s Title VI staff will investigate Title VI complaints filed against sub-recipients, consultants, and contractors. The Compliance and Business Opportunities Bureau Chief will designate an investigator to evaluate the complaint.

Complaints in which ALDOT is named as the respondent shall be forwarded to FHWA. Complainants may also file a complaint at the Headquarters of Civil Rights Office (HCRO); Department of Justice (DOJ); or United States Department of Transportation (USDOT). The final decision of a violation or not is a Federal decision that cannot be delegated.

Complaints that do not constitute discrimination (i.e., based on race, color, national origin, sex, age or disability) or violation of environmental justice issues will be dismissed.
Procedures
A. Allegations of discrimination must be based on race, color, religion, national origin, sex, age, or disability. Any persons who feel that they have been retaliated against for participating in a discrimination complaint process may also file a complaint.

B. The complaint may be filed by the complainant or representative and must be submitted in writing no later than one-hundred eighty (180) days after the date of alleged act of discrimination; or knowledge of alleged discrimination; or where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

C. Title VI complaints must be submitted in writing and signed by the aggrieved person or representative. The complaint should include the complainant name, address and telephone number, basis of the complaint, the sub-recipient, consultant or contractor involved and location. Complaints may be submitted by fax, e-mail or telephone.

Mailing Address: Alabama Department of Transportation
Compliance and Business Opportunities Bureau
1409 Coliseum Boulevard, Room N-101
Montgomery, AL 36110

Fax Number: 334-263-7586

E-mail: hamptonc@dot.state.al.us

D. Within ten days (10) of the receipt of the complaint, ALDOT will acknowledge the receipt of the complaint by certified mail to the complainant. The notice will include the name of the investigator and advise the person of their rights under any related statues.

E. Within sixty days (60) of receiving the complaint, ALDOT will complete the investigation and forward a copy of the complaint, the investigative report, and ALDOT’s decision to FHWA. If additional time is needed for the investigation, ALDOT can request for such time from FHWA.

F. Upon completion of the investigation by the assigned investigator, the Compliance and Business Opportunities Bureau Chief will review the finding(s) of the report and make other requests for information if necessary. The Compliance and Business Opportunities Bureau Chief will prepare an investigation summary and present it to the Director of ALDOT. The Director of ALDOT will prepare a statement reflecting ALDOT’s recommended finding(s). The Director will forward copies of its proposed disposition to FHWA for Final Agency Decision.

Dismissals
ALDOT will recommend, in writing, to FHWA the dismissal of complaints for the following reasons:

(1) The complaint is untimely filed;
(2) The complaint does not allege a basis covered by the statutory authorities;
(3) The complaint does not allege any harm with regard to covered programs or statutes;
(4) The complainant requests the withdrawal of the complaint;
(5) The complainant fails to respond to repeated requests for additional information needed to process the complaint;
(6) The complainant cannot be located after reasonable attempts;
(7) The complainant has failed to accept a reasonable resolution. Note: FHWA or other appropriate federal agency determine reasonable;
(8) The complainant has filed legal action in Federal District Court with the same basis and issue involved in the complaint;
(9) The same complaint allegation has been filed with another Federal, State or local agency.

If additional information is needed, please feel free to contact 334-242-6659.

John R. Cooper
Transportation Director

Date 09/13/12
EXHIBIT D
CONTRACT COMPLIANCE PROCEDURE FOR PROCESSING EXTERNAL COMPLAINTS OF DISCRIMINATION

I. GENERAL

The Alabama Department of Transportation (ALDOT) is committed to the goal of treating all contractor employees equally without regard to race, age, gender, religion, national origin, disability, or any other statutorily-protected right. ALDOT will not tolerate acts of harassment or discrimination, and these procedures establish the departmental methods for preventing and/or addressing harassment and discrimination in the workplace.

II. POLICY

A. Prohibits any form of harassment, whether based on race, age, gender, religion, national origin, disability or any other statutorily-protected right.

B. Prohibits any form of discrimination in hiring, promotion, termination, pay, and other aspects of contract employment on the basis of race, age, gender, religion, national origin, disability or any other statutorily-protected right.

C. Prohibits any form of reprisal or retaliation against complainants under this policy. It is also a violation of this policy for anyone knowingly or recklessly, either to make a false complaint, or to provide false information, regarding a complaint.

III. DEFINITIONS

A. Harassment: Any verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of that person's race, skin color, religion, gender, national origin, age, or disability. Harassment does one or more of the following:

   • has the purpose or effect of creating an intimidating, hostile, or offensive work environment.

   • has the purpose or effect of unreasonably interfering with an individual's work performance.

   • otherwise adversely affects an individual's employment opportunities.

B. Sexual Harassment: Any unwelcome conduct of a sexual nature, including advances, requests for favors, remarks, sounds, gestures, physical contact and display or circulation of material that is offensive.

C. Racial Harassment: Any offensive or demeaning treatment of an individual, where such treatment is based on prejudiced stereotypes of a group to which that individual may belong. It includes, but is not limited to, objectionable epithets, threatened or actual physical harm or abuse, or other intimidating or insulting conduct directed against the individual because of his/her race.

D. Verbal Harassment: Making statements or threats which contain derogatory descriptions or stereotypes based on race, age, gender, religion, national origin, disability or any other statutorily-protected right.

E. Physical Harassment: Pushing, shoving, touching, or other intentional acts committed in whole, or in part, because of the employee's race, age, gender, religion, national origin, disability or any other statutorily protected right and, the displaying of signs, pictures, cartoons, written statements or other materials that belittle or discriminate against any employee based on one’s race, age, gender, religion, national origin, disability or any other statutorily-protected right.
F. Discrimination: Adverse treatment or consideration based on class or category such as one's race, age, gender, religion, national origin, disability or any other statutorily-protected right rather than individual merit.

G. Individual: An employee of an ALDOT contractor, and other such as vendors or visitor associated with an ALDOT contractor.

H. Reprisal Retaliation: Any materially adverse treatment of an individual filing a complaint under this policy.

IV. RESPONSIBILITIES

A. The contractor, or sub-contractor, is responsible for ensuring compliance with this policy and ensuring that employees are educated regarding this policy.

B. Contractor employees and other individuals are responsible for reporting incidents of harassment and discrimination as prescribed in the procedures below.

V. PROCEDURES

A. Any individual who believes he/she has been harassed, or has witnessed harassment, or believes that adverse decisions concerning his/her employment with an ALDOT contractor were based on unlawful discrimination shall:

1. Within ten (10) days of its occurrence, report it to the contractor's human resources department or designated contractor employee.

2. The contractor will investigate the complaint and attempt to correct and/or resolve the matter.

3. Within thirty (30) days of receipt of the complaint, the contractor will notify the complainant in writing of the results of the investigation and the disposition of the complaint.

B. If the complaint is not resolved to the complainant's satisfaction, he/she may file a formal complaint with ALDOT, within ten (10) days of receipt of the contractor's response, as follows:

1. The complaint will be submitted on the Alabama Department of Transportation External Discrimination Complaint Form to the Bureau Chief of the ALDOT Compliance and Business Opportunities Bureau, N-101 at 1409 Coliseum Boulevard, Montgomery, AL 36110, phonenumber (334) 242-6659, fax number (334) 263-7586 website: www.dot.state.al.us.

2. An ALDOT investigator will be assigned to investigate the complaint, and provide a written report within thirty (30) days of receipt of the complaint.

3. After a review of the investigation, the Transportation Director, or his designee, shall inform the complainant and the contractor of the results of the investigation and, if warranted, of the corrective actions taken and/or recommended.

C. An individual may also file a complaint with the Equal Employment Opportunity Commission (EEOC) or the Office of Federal Contract Compliance Programs (OFCCP) at any time during the above-mentioned process or afterward, according to the time frames specified by those agencies.

D. Should a contractor fail to cooperate with ALDOT during an investigation, or fail to take corrective actions recommended by ALDOT, the state highway department (ALDOT) will, on its own initiative, take affirmative action, including the imposition of contract sanctions and the initiation of appropriate legal proceedings under any applicable State or Federal law to achieve equal employment opportunity on Federal-Aid highway projects. In addition, the matter will be referred to the Federal Highway Administration (FHWA) for further handling if necessary or appropriate.
## Alabama Department of Transportation External Complaint Form

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### Type of Discrimination
- Race, Color, National Origin, Age, Religion, Disability, Sex/Gender

### Race of Complainant
- Black, White, Hispanic, Asian American, American Indian, Alaska, Native Pacific Islander, Other

### How were you discriminated against?
Please explain your complaint as clearly as possible. Include how other persons were treated differently. Use additional sheet(s), if necessary. Attach supporting documents if available.

### Date and place of the alleged discriminatory action(s).
Please include the earliest date of discrimination and the most recent date(s) of discrimination. Name the project number and the location.
Name(s) of individual(s) responsible for the discriminatory action(s). Name of contractor project number and location.

Name(s) of person(s) who may be contacted for additional information to support or clarify you complaint. (Attach additional sheets, if necessary). Name Address Telephone.
1. 
2. 
3. 
4. 
5. 

What action(s) have you or your representative done to attempt to resolve this complaint? Please include filing dates or other dates as applicable. Action Date
- Filed with the Federal Highway Administration
- Filed with the U.S. Department of Transportation
- Filed with another Federal agency
- Filed in Federal Court
- Other action

Please provide any additional information you feel would be helpful in investigating this manner.

Briefly explain what action you are seeking.

Complainant's Signature Date

Official Use Only Date Complaint Received: 
Referred to: 
Date Referred: 
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