

**DIVISION 100 SUPPLEMENTAL GUIDANCE 6 -  
FEDERAL CIVIL RIGHTS PROGRAMS**

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**INTRODUCTION**

This supplemental guidance to Division 100 is incorporated into the ALDOT Construction Manual due to the unconventional way in which the topics are addressed in construction contracts. The topics are incorporated into contracts by special provisions that do not modify a specific section of the ALDOT Standard Specifications for Highway Construction (SSHC) and therefore do not have an obvious place in the topics of the construction manual.

These special provisions are not maintained by the Construction Bureau as a part of the SSHC. The State Office Engineer maintains the special provisions and inserts them into applicable contract proposals. A listing of these special provisions and other resources that provide additional information regarding this subject are provided in Contract References and Resources portion of this document.

Civil rights are personal rights guaranteed and protected by the U.S. Constitution and federal laws enacted by Congress. These laws provide protections from unlawful discrimination and include the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1990. The Federal Highway Administration (FHWA) has developed programs to help ensure that civil rights are protected as transportation projects are developed and constructed. ALDOT is responsible for ensuring implementation and compliance of these programs on federally funded projects.

Prohibitions of discrimination based on race, color, or national origin (Title VI requirements), Americans with Disabilities Act (ADA) requirements, equal employment opportunity (EEO) requirements, Disadvantaged Business Enterprise (DBE) requirements, and employee training requirements are all components of the federal civil rights enforcement framework in transportation contracting. DBE requirements are addressed in [SSHC 111](#) and [CM Topic 111](#) which should be referenced along with this document as there is some overlap of information.

**DOCUMENTATION**

Complete and accurate documentation of contractor civil rights compliance is a condition of ALDOT's receipt of payment of federal funds. Several forms described below are required to be completed by the contractor and ALDOT personnel.

**Form OE-110, DBE Utilization Plan** serves as the official plan for how a contractor will meet ALDOT's DBE requirements on a project and allows ALDOT to verify DBE participation for federal compliance.

The form is required to be submitted by bidding contractors to the Bureau of Office Engineer within five calendar days of the contract letting date.

**Form AL 100-OE: Statement of Wage Compliance** is a mandatory document used on all ALDOT projects. The statement must be signed by an authorized representative who supervises wage payments. The statement certifies that:

- ▼ All employees have been correctly paid.
- ▼ The attached payroll is complete and accurate.
- ▼ Any apprentices are properly registered.
- ▼ Fringe benefits, if applicable, are paid either in cash or into an approved plan.

The form serves as an internal verification tool to ensure statutory labor standards are met and provides documentation in case of compliance reviews or audits. The form is submitted by the prime contractor, often at the preconstruction conference.

**Commercial Useful Function (CUF) / Compliance Evaluation Form** is used to review DBE compliance with CUF requirements for determining DBE credit. A DBE is considered to be performing a CUF when it is directly responsible for executing the contracted work and is actively managing, supervising, and performing the work itself. At a minimum, one CUF review must be completed for each DBE on every project, regardless of whether the project has a DBE participation goal. The review should occur when the DBE begins work, and ongoing compliance must be monitored throughout the duration of the project.

**Contractor Labor Reports (Certified Payrolls)** document wages, classifications, and hours worked for every contractor employee. They are used to help project managers satisfy ALDOT's civil rights and EEO enforcement responsibilities by ensuring contractor compliance with the Davis-Bacon Act and the Work Hours Act. Two copies of payrolls are delivered to the project manager weekly and within seven calendar days after payment of wages on all federally-funded projects. The prime contractor is responsible for collecting and submitting reports from all subcontractors, including unapproved ones.

**Form AL 150-OE: Statement Required on All Projects in the State of Alabama** is used on each project to list the prime contractor and all approved subcontractors, indicating whether each is "active" or "inactive." Its purpose is to maintain a clear, up-to-date roster of firms officially engaged on the project, ensuring proper compliance tracking and communication. The form is completed and submitted to the project manager each week by the prime contractor when approved subcontractors are involved.

**Form DBE-10 (DBE Participation Report)** is used to ensure that DBE participation is clearly planned, tracked, and aligned with federal civil rights and contracting requirements. Form DBE-10 is submitted

to the project manager by the contractor within 60 days of the beginning of work by the DBE, then monthly thereafter. The form is included with monthly estimate documentation.

**On-the-Job Training (OJT) Program Forms and Reports** are fully described and provided in the [ALDOT OJT Program Manual](#) and apply to federally-funded projects. Together, these documents help to ensure proper oversight, compliance with federal regulations, and accurate reporting of training activity to ALDOT. The forms and reports are completed by contractors and ALDOT personnel and submitted at various stages of project construction and trainee employment. The State DBE Liaison Officer and region and area EEO officers and coordinators are available to assist with EEO compliance, as well as the Bureau of Compliance & Business Opportunities. OJT-related forms include:

- ▼ **Initial Training Plan Approval Form** outlines how the contractor plans to meet OJT requirements.
- ▼ **Trainee Enrollment/Time Report** enrolls each trainee and tracks hours and wage progress.
- ▼ **Monthly Training Summary** (or Monthly Training and Time Report) used to report ongoing trainee hours and status.
- ▼ **Trainee Graduation/Completion Form** certifies successful completion of the training program.
- ▼ **Trainee Employment Status Change Form** used to document changes such as dropouts, reassignments, or terminations.

**Form FHWA-1391: Federal-Aid Highway Construction Contractors Annual EEO Report** is used on federal-aid projects of at least \$10,000 to document and monitor the demographic composition of the contractor's workforce. It supports federal EEO enforcement by tracking employment data across race, gender, and job type, ensuring contractors are meeting their obligations to provide fair and nondiscriminatory employment opportunities on federally funded transportation projects. The form usually covers the pay period ending during the last full week of July. It is submitted by prime contractors and subcontractors. Instructions are provided through the ALDOT Publications page.

**Form DBE-11: Certification of Actual Payments to DBE Firms** is used to document and verify the actual amounts paid by the prime contractor to each certified DBE firm on a project. This form ensures that the DBE firms listed in the approved DBE Utilization Plan (Form DBE-10) have been fully and accurately compensated for the work they performed. It serves as a compliance and accountability measure for ALDOT to confirm that DBE participation goals were met not only in planning but in actual execution, supporting federal reporting requirements and civil rights enforcement. DBE-11 is submitted by the contractor with the final estimate documentation for each DBE subcontractor.

**Form C-23 Affidavit for Payment of Debts Incurred on Construction Projects** confirms that the prime contractor has fully paid all obligations—including laborers, subcontractors, suppliers, and material providers. Typically submitted with the final payment request, the form is completed and signed by the prime contractor, certifying there are no outstanding debts.

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## QUALIFICATIONS, CREDENTIALS, AND TRAINING

ALDOT requires formal Title VI certification for those administering civil rights policies, DBE certification for participating firms to ensure compliance with federal EEO and nondiscrimination mandates.

**Title VI certification** is provided after training and an exam by ALDOT’s Title VI Coordinator. Certification is required for ALDOT’s Title VI staff, Region designees and personnel that have specific Title VI responsibilities in the major Program areas.

**DBE certification** is provided after application by participating contractors and approval through the Alabama Unified Certification Program.

Project staff should have a general understanding of civil rights laws and the types of forms and reports that may be required to be completed and administered at the project level.

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## CONTRACT ADMINISTRATION AND INSPECTION

This guidance provides an integrated summary of contract administration and inspection responsibilities related to civil rights, labor compliance, and training requirements on ALDOT construction projects. It incorporates (and duplicates) some of [Topic 111](#), [SSHC 111](#), and ALDOT program manuals to ensure consistent implementation across all projects.

### Contractor Compliance and Labor Reporting

All ALDOT projects are subject to investigation by the U.S. Department of Labor. Therefore, appropriate records must be maintained on all contracts, regardless of funding source. Contracts for projects with federal funding and subject to the requirements below include several related special provisions (typically FH0001 – FH0005).

Contractors must maintain accurate labor documentation for all workers and submit the following weekly:

- ▼ **Form AL 100-OE**, Statement of Wage Compliance certifying accurate and lawful wage payment.
- ▼ **Form AL 150-OE** (if subcontractors are present), listing approved subcontractors and indicating their active or inactive status.
- ▼ **Contractor Labor Reports (Certified Weekly Payrolls)** must include the following for each employee:

- Project Number
- Weekly Payroll Period Ending Date
- Full Name and Last Four Digits of Social Security Number
- Job Classification
  - If an employee works multiple classifications during the week, each must be listed.
  - If a needed classification is not in the contract, the contractor must request the addition of a classification and wage rate.
- Hours Worked
  - Daily and weekly hours for each classification, including overtime.
- Wage Rates
  - Hourly wage rate(s), including applicable overtime rates.
  - Per federal requirements:
    - Workers must be paid at least the contract's minimum wage for their classification.
    - Overtime (over 40 hours/week) must be paid at 1.5× the basic hourly rate.
    - Violations of the Work Hours Act of 1986 will result in liquidated damages of \$10.00/day per affected employee.
- Itemized Deductions
  - Must be either legally required or individually authorized.
- Net Wages Paid
  - The reported amount must exactly match what the employee was actually paid.
- Ethnic Group
- Gender

The project manager must thoroughly review each report assembly for completeness and compliance. If errors are found, corrective action must be initiated. Copies of all reports, corrections, and revisions must be provided to the Area Construction Engineer.

### **DBE Utilization, DBE Credit, and Sublet Requirements**

See [CM 111](#) for additional information regarding DBE requirements.

### **On-the-Job Training (OJT) Requirements**

For projects with OJT requirements, contractors must submit and receive approval for an initial training plan before training begins. Trainees must be enrolled using the ALDOT Trainee Enrollment/Time Report, which tracks hours worked and training classification. Monthly training summaries are compiled by the Area EEO Officer and forwarded to the State Construction Engineer. Key requirements include:

- ▼ Trainees should begin work as soon as practical, but no later than after 10% of relevant work is complete.
- ▼ Contractors must provide wage-supported training during both onsite and qualifying offsite instruction.

- ▼ Terminated trainees must be replaced immediately.

Contractors are paid \$0.80 per hour of verified training. Payments are processed on monthly estimates or upon trainee completion.

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## PROCESS REVIEW AND DOCUMENTATION

**Project Managers** are responsible for ensuring that the contractor and all subcontractors comply with contract labor provisions. These requirements are in addition to the regular review of submitted weekly payroll documentation. To verify compliance, the project manager must conduct detailed labor compliance reviews as follows:

- ▼ For projects lasting six months or less, at least one review is required.
- ▼ For all other projects, a minimum of two reviews is required.
- ▼ Additional reviews may be directed as necessary.

Each review must examine:

- ▼ Certified payrolls, starting from the original time record through to canceled checks
- ▼ Subcontract documents to verify labor rate inclusion
- ▼ Employee interviews to confirm payroll and classification accuracy (statements made during employee interviews, whether verbal or written, must be treated as confidential)

If any payment deficiencies are identified the project manager must notify the contractor in writing, with a copy of the letter sent to the Area Construction Engineer. The issue will remain open until full restitution is made to affected employees.

The Contractor or Subcontractor must submit an updated Form AL 100 (supplemental payroll) reflecting the correction and provide a written explanation of the error and the corrective measures implemented to prevent recurrence. The project manager forwards copies of both the supplemental payroll and the explanation letter to the Area EEO Officer.

**Area EEO Officers** are primarily focused on administrative oversight and support within the area. They ensure that documentation from Area and Region staff is received, filed, and forwarded as needed to the Office of Civil Rights or FHWA. They monitor compliance timelines and support accurate reporting across projects. EEO officers may participate in or lead desk audits or field reviews of compliance efforts. They also provide guidance to Region and Area staff on updated civil rights policies and procedures. is responsible for maintaining appropriate records for periodic Federal Highway Administration (FHWA) reviews.

The Compliance and Business Opportunity Bureau is responsible for ensuring compliance with all related federal and state nondiscriminatory laws, regulations, directives, and executive orders in its programs and activities. Several oversight and review programs and processes assist the Compliance and Business Opportunities Bureau it is fulfilling its responsibilities.

The Construction Bureau also plays a role in civil rights compliance oversight. It provides guidance to internal stakeholders and subrecipients on contract administration and interpretation for federally funded projects. Below is a general summary of some of the responsibilities of the Construction Bureau within each program.

- Title VI** Monitoring staffing diversity, advising on discrimination, coordinating compliance
- EEO** Overseeing labor standards compliance, payroll forms, workforce nondiscrimination
- ADA** Assisting in accessibility compliance reviews during construction planning
- DBE** Administering DBE goals, monitoring trucking/material compliance, reviewing GFES
- OJT** Ensuring OJT program implementation, reviewing training plans and monthly reports, coordinating with EEO staff

### CONTRACT REFERENCES AND RESOURCES

Below are listings of contract specifications and other resources and references that may be related to the work of this topic.

CONTRACT SPECIFICATIONS	
SSHC Reference	SSHC Topic Description
102	Bidding Requirements and Conditions
111	Disadvantaged Business Enterprise (DBE)
22-FH0001(4)	FHWA-1273 Required Contract Provisions Federal-Aid Construction Contracts
22-FH0002	Title VI Assurance
22-FH0003	Non-Discrimination Statutes and Authorities, Appendix E
22-FH0004	Special Training Responsibilities of Equal Employment Opportunity Requirements
22-FH0005	Required Contract Provision for all Federal Aid Projects for Equal Employment Opportunity

OTHER RESOURCES	
Resource	Maintained By
ALABAMA DEPARTMENT OF TRANSPORTATION TITLE VI IMPLEMENTATION PLAN	ALDOT Compliance and Business Opportunities Bureau
ALABAMA DEPARTMENT OF TRANSPORTATION CONTRACTOR COMPLIANCE PLAN	ALDOT Compliance and Business Opportunities Bureau
ALABAMA DEPARTMENT OF TRANSPORTATION DISADVANTAGED BUSINESS ENTERPRISE PROGRAM PLAN	ALDOT Construction Bureau
ON-THE-JOB TRAINING INSTRUCTION MANUAL	ALDOT Compliance and Business Opportunities Bureau