PRE-JOB CONFERENCE - EQUAL EMPLOYMENT OPPORTUNITY, LABOR STANDARDS, AND DBE PARTICIPATION INFORMATION

North Dakota Department of Transportation, Civil Rights Division

SFN 9423 (Rev. 01-2008)

Contractor	
Project Number	Location
Type	Beginning Date
District	Dollar Value Of Prime Contract $
Project Manager-Engineer (NDDOT, City, County, or Consultant)	Contractor's EEO Officer
Contractor's DBE Officer	Date Of Conference

READ TO CONTRACTOR:

☐ The **Special Provisions** of this contract require performance of various Labor Standards, Equal Employment Opportunity, and DBE Participation functions and maintenance of statistical records, company reports, and related materials and information.

The **Required Contract Provisions, Federal-Aid Construction Contracts** outline requirements relating to wages, payrolls, labor compliance statements, and general EEO responsibilities.

The **Labor Rates From US Department of Labor** include the Davis-Bacon wage rates established for the contract, specifying the basic hourly rate and any applicable fringe benefit payments for job classifications related to highway construction.

The **Equal Employment Opportunity Affirmative Action Requirements** specify a statewide employment goal of 6.9 percent for females in each trade and an assigned percentage goal by county for minorities in each trade.

The **On-the-Job Training Special Provision** specifies that a contractor will provide a training program for a position or positions they select to a predetermined number of trainees. The number of trainees assigned will be determined by applying a formula based on calculations involving specific project specification numbers on applicable projects funded with federal highway dollars awarded to the contractor from October 1st to September 30th of each year. In early **April**, a summary of the trainees required to date and the On-the-Job Training (OJT) program package will be sent to participating contractors. The OJT program package will also be sent to contractors as they become eligible for trainees throughout the year.

The **DBE Race-neutral Special Provision** assists all small businesses in the subcontract and supply selection process and is completely race and gender neutral. Contractors are required to provide a list of the disadvantaged business enterprises intended for use on the project.

The **DBE Race-conscious Special Provision** includes a specific percentage of the bid price to be subcontracted or expended to disadvantaged business enterprises. Contractors **must** meet assigned goals or show that good faith efforts were made in an attempt to meet the goals. Contractors are required to provide a list of the disadvantaged business enterprises intended for use on the project.

The **Prompt Payment and Retainage Special Provision** requires the prime contractor to pay the subcontractor for any amount due, less applicable retainage not to exceed 2%, from the current progress payment within 20 calendar days of receipt of payment, unless the prime contractor has just cause not to make payment. The prompt payment includes the release of retainage monies held within 20 days after the work is satisfactorily completed as determined by the department. The prompt payment procedures and release of retainage applies to all tiers of subcontracts.

Inspections regarding the above listed contract provisions will be made periodically by NDDOT, city, county, or consultant personnel during the life of the project.

☐ Contractors whose projects have been selected for in-depth contract compliance reviews will have EEO and Labor Compliance Job-Site Interviews conducted on a portion or all of their project workforce. Contractors who are not selected for contract compliance reviews will have Labor Compliance Job-Site Interviews conducted on at least one job in each district annually. Exempt from this requirement are contracts and subcontracts under $10,000 where work on the project is sporadic and of short duration (three weeks or less).

☐ Federal-Aid Highway Construction Contractors Annual EEO Report (Form FHWA-1391) **must** be submitted to the *Civil Rights Division by each active contractor and subcontractor for every month of **July** for the duration of the project. The Civil Rights Division will send the report form to all qualified contractors in early July. The completed report **must** be received by the Civil Rights Division no later than **August 10th**.

☐ The following **must** be posted at the job site in an area readily accessible to all employees and applicants for employment:

All information on the attached Required Posters on Federal-Aid Projects.

☐ Training Requirements:

1. Contractors will have full responsibility for the recruitment and placement of trainees. All trainees **must** be approved by the NDDOT Civil Rights Division **before** they can begin work under the program.
2. To request program reimbursement, prime contractors **must** complete the Voucher For On-the-Job Training Program Hourly Reimbursement (SFN 51023) for each trainee in the OJT program. The completed form **must** be submitted to the *Civil Rights Division for approval. All program reimbursement will be made to the prime contractor.

☐ The prime contractor **must** be invited to discuss the following with those in attendance:

1. The DBE firms that will be working on the project.
2. The items of work the DBE firms are to perform.
3. The time period for the work to be performed by the DBE firms.
4. Any other project issues necessary for DBE program compliance on the part of the prime contractor, non-DBE subcontractors, and their DBE subcontractors, regular dealers, and manufacturers. Items may include but are not limited to: project scheduling, expected overtime, payment schedule, Davis-Bacon wage and payroll requirements, pit and batch plant locations (concrete or asphalt), quantities, length of haul, type of road, etc.

☐ The following **must** also be reviewed with those in attendance:

1. The nonfulfilled obligations by prime contractor or DBE process applies to all tiers of subcontracts. Refer to Special Provision DBE Race-conscious.
2. The prompt payment and retainage procedures apply to all tiers of subcontracts. Refer to Special Provision Prompt Payment and Retainage.
3. The chain of command for resolving issues during construction is:
   a. From the project manager-engineer (NDDOT, city, county, or consultant) to the project coordinator-assistant district engineer for construction.
   b. From the project coordinator-assistant district engineer for construction to the Construction Services Division.
   c. The Construction Services Division will inform the Civil Rights Division of field issues and discuss possible resolutions. This is designed to maintain uniformity in interpreting federal and NDDOT policies and standard operating procedures.

*Civil Rights Division, North Dakota Department of Transportation, 608 East Boulevard Avenue, Bismarck, ND 58505-0700, Telephone: 701-328-2576

☐ List all pits to be used on this project by each contractor and subcontractor, and determine whether or not the federal Davis-Bacon wage rates apply to work performed at the pit*.

Pit Location	Type of Material	Contractor or Subcontractor	Davis-Bacon	
			Applies	Does Not Apply
1.				
2.				
3.				
4.				
5.				
6.				

*Davis-Bacon **does not** apply to a pit or batch plant site (concrete or asphalt) when it is determined to **not** be included in the **site of the work** of a federal or federally aided contract or project. The definition for **site of the work** has changed effective January 19, 2001, and applies to all federal or federally aided highway construction contracts **let to contract (not awarded)** after that date. The new definition is:

"The site of the work definition includes material or supply sources, tool yards, job headquarters, etc., in the site of the work only where they are **dedicated** to the covered construction project **and** are **adjacent or virtually adjacent** to the location where the building or work is being constructed."

Also changed is:

"The regulatory definition of construction to provide that the off-site transportation of materials, supplies, tools, etc., is **not** covered unless such transportation occurs between the construction work site and a **dedicated** facility located **adjacent or virtually adjacent** to the construction site."

The key is **dedicated** to the job site **and adjacent or virtually adjacent** to the location where the work is being constructed. The North Dakota Department of Transportation (NDDOT) has defined **virtually adjacent** as a pit or batch plant (concrete or asphalt) whose boundary is located within one-half mile of the closest right of way boundary to the project. The distance is measured as one-half mile from the boundary to the pit or batch plant site (concrete or asphalt) to the closest project boundary, **as the crow flies**, **not** to the middle of the project.

The federal regulations further define ***site of the work*** as:

1. "I(1) The site of the work is the physical place or places where the building or work called for in the contract will remain; and any other site where a significant portion of the building or work is constructed, provided that such site is established **specifically** for the performance of the contract or project."
2. "I(2) Except as provided in paragraph I(3) of this section, job headquarters, tool yards, batch plants, borrow pits, etc., are part of the site of the work provided they are **dedicated exclusively, or nearly so**, to performance of the contract or project, and provided they are **adjacent or virtually adjacent** to the site of the work as defined in paragraph I(1) of this section."
3. "I(3) **Not included** in the site of the work are **permanent** home offices, branch plant establishments, fabrication plants, tool yards, etc., of a contractor or subcontractor whose location and continuance in operation are determined wholly without regard to a particular federal or federally assisted contract or project. In addition, fabrication plants, batch plants, borrow pits, job headquarters, tool yards, etc., of a commercial or material supplier, which are **established** by a supplier of materials for the project **before opening of bids** and **not on the site of work** as stated in paragraph I(1) of this section, are not included in the site of the work. Such permanent, previously established facilities are not part of the site of the work, even where the operations for a period of time may be dedicated exclusively, or nearly so, to the performance of a contract."

For example:

1. If the boundary to a pit or batch plant site (concrete or asphalt) is located **more than one-half mile** from the closest right of way boundary to the project, Davis-Bacon **does not** apply. It **does not** matter when the project was ***let to contract (not awarded)*** because the pit or batch plant site (concrete or asphalt) is **more than one-half mile** away.
2. If the boundary to a pit or batch plant site (concrete or asphalt) is located ***one-half mile or less*** from the closest right of way boundary to the project,
   a. Davis-Bacon **does not** apply if the pit or batch plant site (concrete or asphalt) **has been** open and making sales to the general public within the previous twelve months of the **day** the project was **let to contract** (**not awarded**).
   b. Davis-Bacon **does** apply if the pit or batch plant site (concrete or asphalt) **has not been** open and making sales to the general public within the previous twelve months of the **day** the project was let to contract (**not awarded**).

The manufacture and delivery to the work site of supply items such as sand, gravel, and ready-mixed concrete, when accomplished by a bona fide material supplier operating facilities serving the public in general, are activities **not** covered by Davis-Bacon. This would be so even though the materials are delivered directly into a contractor's mixing facilities at the work site. Such bona fide material suppliers are **not** considered contractors under Davis-Bacon. Thus, their employees are **not** due Davis-Bacon wages and payrolls are **not** required. What constitutes a sufficient quantity of sales to the general public depends on the circumstances in each case, but **must** be **more than mere token sales**. The supplier **must** be able to demonstrate that he or she has **routinely been selling to the general public from the aggregate source** and that the pit was opened for that use, not for the federal-aid project in question. In other words, if they are normally considered a supplier but they opened the pit just for the federal-aid project, **and** it is located **one-half mile or less** from the closest right of way boundary to the project, they would be considered a subcontractor, **not** a supplier. Davis-Bacon wages would be due and payrolls would be required.

Continued on next page.

Whenever any state, county, or city funded project is combined with or tied to a federally funded project as one contract, the entire contract is considered federally funded and is subject to Davis-Bacon. Therefore, Davis-Bacon wage rates **must** be paid and payrolls **must** be generated and submitted for all portions or segments of the contract or project. Consequently, the principles described above apply to pits and batch plants (concrete or asphalt) used for the contract or project.

☐ Trucking Operations:

The prime contractor is responsible for monitoring DBE performance on the project. The prime contractor **must** ensure that the DBE performs a commercially useful function and performs the work committed to at the time of contract award.

The prime contractor is also responsible for ensuring compliance with the labor standards provisions of the contract. This includes obtaining subcontracts and payrolls as required and monitoring and verifying the status of all truck owner-operators working on the project either directly for the prime contractor or its subcontractors.

DBE PROGRAM

Commercially Useful Function:

The DBE **must** be responsible for the management and supervision of **their portion of the trucking operation**.

The DBE's supervisor **must** be on the project **at all times**.

The DBE **must**, itself, own and operate **at least one fully licensed, insured, and operational truck** used on the contract. The truck **does not** have to be on the project **at all times**.

The DBE **must** perform **at least 30% of the total cost** of their contract **with their own workforce**, or whatever percent was committed to during the DBE participation review process.

Leased trucks **must** display the **name and identification number** (USDOT number issued for interstate commerce) of the DBE.

Counting DBE Participation:

The DBE receives credit for the **total value** of the transportation services it provides on the contract using trucks it owns, insures, and operates using drivers it employs. This includes those units leased from a commercial truck dealer, such as Nelson International, Inc., Peterbilt of Fargo, Inc., W. W. Wallwork, etc. Leases from non-commercial sources may also be allowed but **must** be submitted to the Civil Rights Division for review and approval **prior to use** on a contract.

The DBE may lease trucks from another DBE firm, including a DBE owner-operator. The DBE receives credit for the **total value** of the transportation services the lessee DBE provides on the contract.

The DBE may lease trucks from a non-DBE firm, including an owner-operator. The DBE receives credit for the **total value** of the transportation services the lessee provides on the contract **not to exceed the value of the transportation services provided by DBE-owned trucks on the contract**. The DBE receives credit only for the **fee or commission** it receives as a result of any additional participation provided on the contract by the non-DBE lessee under the lease arrangement.

All leases **must** indicate:

= That the DBE has exclusive use of and control over the truck.

= That this **does not** preclude the leased truck from working for others during the term of the lease with the consent of the DBE, so long as the lease gives the DBE absolute priority for use of the leased truck.

= That the leased truck **must** display the name and identification number (USDOT number issued for interstate commerce) of the DBE.

LABOR COMPLIANCE (Davis-Bacon and Payroll Requirements)

Subcontractors:

If the prime contractor is using subcontractors for hauling, whether on the **site of the work** or **not,** approved "Prime Contractor's Request to Sublet" forms (SFN 6582) and subcontract agreements between the prime contractor and the subcontractors are required prior to performing any hauling. The "Required Contract Provisions, Federal-aid Construction Contracts (Form FHWA 1273)" **must** also be included in the subcontract agreements because it contains more than just the labor standards provisions. If the prime contractor is using subcontractors for hauling on the project site or ***site of the work***, the labor standards provisions and the applicable wage rate decision **must** be incorporated into the subcontract agreements. The subcontractors **must** pay their employees the proper Davis-Bacon wage rates and provide weekly payrolls. This applies to all tiers of subcontracts.

The above **does not** apply to the transportation of materials and manufactured component products that the contractor purchases from off-site commercial producers.

Owned and Leased Vehicles:

Prime contractors and approved subcontractors may operate their own or leased hauling equipment using their own employees.

Continued on next page.

Owner-Operators:

Prime contractors and approved subcontractors may use independent owner-operators for truck hauling on the project or **site of the work**. Bona fide owner-operators of trucks **only** are **not** covered under the Davis-Bacon and Related Acts (DBRA). However, they **must** appear on either the prime contractor's or the subcontractor's payrolls as:

= Owner-operator's name, address, and social security number with the notation **owner-operator** after the name.

= Vehicle identification number or license plate number of the vehicle being driven.

= Truck number being used on scale tickets and haul sheets.

= Neither hours worked nor wages paid need be shown.

The actual owner-operator **must drive the truck at all times**. If, for any reason, he or she **does not** drive the truck, even for a short period of time, the replacement driver **must** be paid Davis-Bacon wages, including fringe benefits, and **must** appear on project payrolls showing hours worked and wages paid.

The prime contractor is responsible for monitoring and verifying the status of all truck owner-operators working on the project or **site of the work** either directly for the prime contractor or for its subcontractors. To determine bona fide owner-operator status, the prime contractor **must** request and verify the following documentation:

= Owner-operator's name.

= Valid commercial drivers license.

= Vehicle registration in the owner-operator's name.

= Current vehicle license number.

= Truck number that will or is being used on scale tickets and haul sheets.

= Copies of any signed lease or rental agreements for owner-operator trucks. The lease **must** be between the driver and a reputable dealership (i.e., Nelson International, Inc., Peterbilt of Fargo, Inc., W. W. Wallwork, etc.); **not** the driver and the prime contractor or the driver and a subcontractor on the project.

☐ The following personnel represented their respective organizations at this meeting. Please sign:

Name	Organization
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	

Completed by:

Name	Title	Date

Distribution: a. Original and copy of any other conference minutes to project file that is sent to Construction Services Division when contract is finaled.
b. Copy of pre-job form and any other conference minutes to Civil Rights Division.
c. Copy of pre-job form and any other conference minutes to prime contractor (who **must** provide a copy to all DBE and non-DBE subcontractors and to all DBE regular dealers and manufacturers intended for use on the project.)

CERTIFICATION OF RECEIPT

I certify that I have received, read, and agree to follow all requirements contained in the Pre-Job Conference-Equal Employment Opportunity, Labor Standards, and DBE Participation Information form (SFN 9423). I further certify that I have informed and will continue to inform all DBE and non-DBE subcontractors and DBE regular dealers and manufacturers intended for use on the project of the requirements contained in the form, and that I have provided and will provide a copy of the completed form to said subcontractors, regular dealers, and manufacturers.

X _____

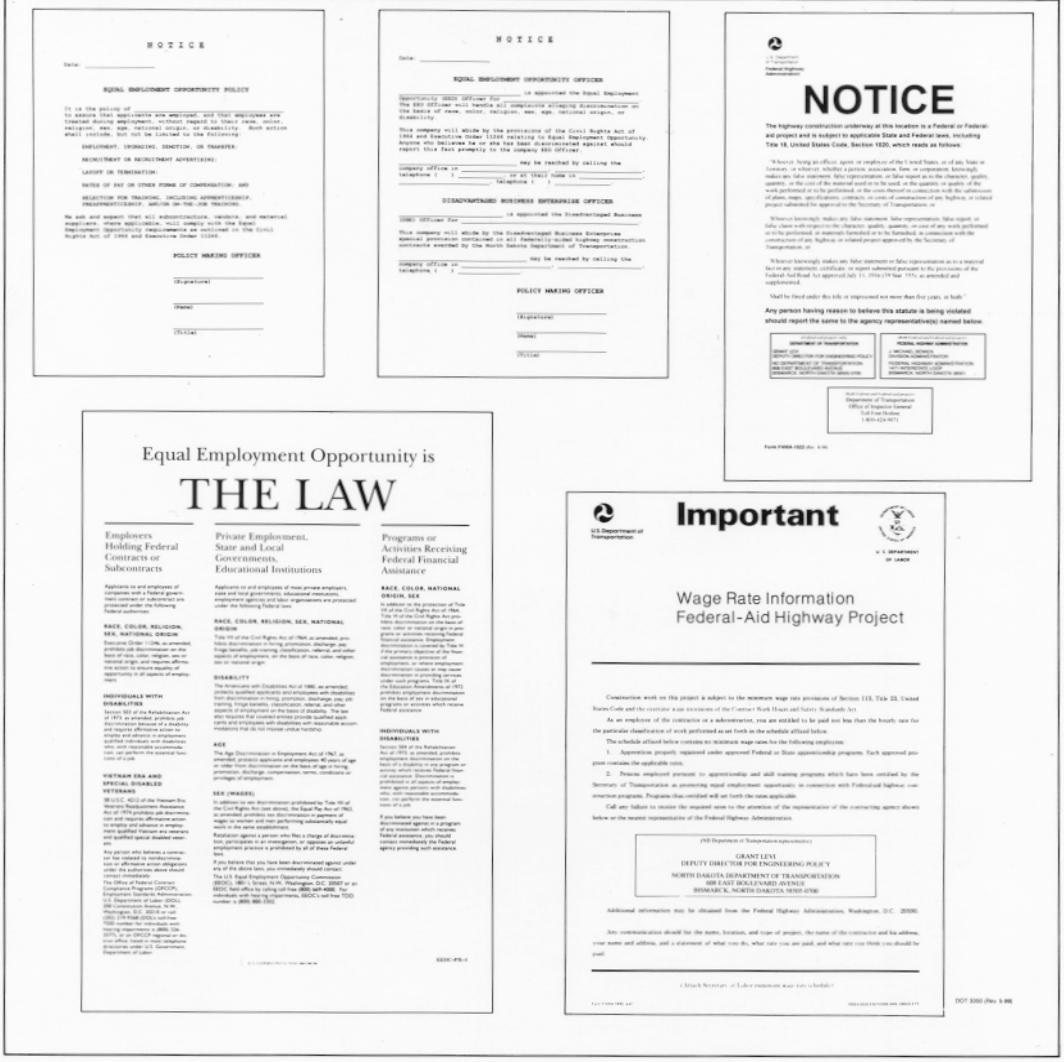
Signature

_____

Date

REQUIRED POSTERS ON FEDERAL-AID PROJECTS

EXHIBIT A — POSTER BOARD



NOTICE

Date: _____

EQUAL EMPLOYMENT OPPORTUNITY POLICY

It is the policy of _____ that all employees are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, age, national origin, or disability. Such action shall include, but not be limited to the following:

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, PREAPPRENTICESHIP, AND/OR ON-THE-JOB TRAINING.

We ask and expect that all subcontractors, vendors, and material suppliers, where applicable, will comply with the Equal Employment Opportunity requirements as outlined on the Civil Rights Act of 1964 and Executive Order 11246.

POLICY MAKING OFFICER

(Signature)

(Name)

(Title)

NOTICE

Date: _____

EQUAL EMPLOYMENT OPPORTUNITY OFFICER

_____ is appointed the Equal Employment Opportunity (EEO) Officer for _____. The EEO Officer will handle all complaints alleging discrimination on the basis of race, color, religion, sex, age, national origin, or disability.

This company will abide by the provisions of the Civil Rights Act of 1964 and Executive Order 11246 relating to Equal Employment Opportunity. Anyone who believes he or she has been discriminated against should report this fact promptly to the company EEO Officer.

_____ may be reached by calling the company office at telephone ( ) _____ or at their home at _____ telephone ( ) _____.

DISADVANTAGED BUSINESS ENTERPRISE OFFICER

_____ is appointed the Disadvantaged Business (DBE) Officer for _____.

This company will abide by the Disadvantaged Business Enterprise special provision contained in all Federally-aided highway construction contracts awarded by the North Dakota Department of Transportation.

_____ may be reached by calling the company office at telephone ( ) _____.

POLICY MAKING OFFICER

(Signature)

(Name)

(Title)

U.S. Department of Transportation
Federal Highway Administration

NOTICE

The highway construction underway at this location is a Federal or Federal-aid project and is subject to applicable State and Federal laws, including Title 18, United States Code, Section 1020, which reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly, makes any false statement, false representation, or false report as to the character, quality, quantity, or the cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof or connected with the submission of plans, maps, specifications, contracts, or costs of construction of any highway, or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly, makes any false statement, false representation, false report, or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway, or related project approved by the Secretary of Transportation; or

Whoever knowingly, makes any false statement or false representation as to a material fact in any statement, certificate, or report submitted pursuant to the provisions of the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), as amended and supplemented;

Shall be fined under this title or imprisoned not more than five years, or both."

Any person having reason to believe this statute is being violated should report the same to the agency representative(s) named below.

DEPARTMENT OF TRANSPORTATION
GRANT LEVI
DEPUTY DIRECTOR FOR ENGINEERING POLICY
ND DEPARTMENT OF TRANSPORTATION
608 EAST BOULEVARD AVENUE
BISMARCK, NORTH DAKOTA 58505-0700

FEDERAL HIGHWAY ADMINISTRATION
J. MICHAEL BOWEN
DIVISION ADMINISTRATOR
FEDERAL HIGHWAY ADMINISTRATION
1471 INTERSTATE LOOP
BISMARCK, NORTH DAKOTA 58501

Report Fraud and Criminal Activity to:
Department of Transportation
Office of Inspector General
Toll Free Hotline
1-800-424-9071

Form FHWA-1022 (Rev. 6-94)

Equal Employment Opportunity is

THE LAW

Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under the following Federal authorities:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES

Section 503 of the Rehabilitation Act of 1973, as amended, prohibits job discrimination because of a disability and requires affirmative action to employ and advance in employment qualified individuals with disabilities who, with reasonable accommodation, can perform the essential functions of a job.

VIETNAM ERA AND SPECIAL DISABLED VETERANS

38 U.S.C. 4212 of the Vietnam-Era Veterans Readjustment Assistance Act of 1974 prohibits job discrimination and requires affirmative action to employ and advance in employment qualified Vietnam era veterans and qualified special disabled veterans.

Any person who believes a contractor has violated a nondiscrimination or affirmative action obligation under the authorities above should contact immediately:
The Office of Federal Contract Compliance Programs (OFCCP), Employment Standards Administration, U.S. Department of Labor (DOL), 200 Constitution Avenue, N.W., Washington, D.C. 20210, or (202) 219-9368 (DOL's toll-free TDD number for individuals with hearing impairments is (800) 326-2577), or an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Private Employment, State and Local Governments, Educational Institutions

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under the following Federal laws:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex or national origin.

DISABILITY

The Americans with Disabilities Act of 1990, as amended, protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, classification, referral, and other aspects of employment on the basis of disability. The law also requires that covered entities provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardship.

AGE

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination on the basis of age in hiring, promotion, discharge, compensation, terms, conditions or privileges of employment.

SEX (WAGES)

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act (see above), the Equal Pay Act of 1963, as amended, prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

Retaliation against a person who files a charge of discrimination, participates in an investigation, or opposes an unlawful employment practice is prohibited by all of these Federal laws.

If you believe that you have been discriminated against under any of the above laws, you immediately should contact:
The U.S. Equal Employment Opportunity Commission (EEOC), 1801 L Street, N.W., Washington, D.C. 20507 or an EEOC field office by calling toll free **(800) 669-4000**. For individuals with hearing impairments, EEOC's toll free TDD number is (800) 800-3302.

EEOC-PS-1

Programs or Activities Receiving Federal Financial Assistance

RACE, COLOR, NATIONAL ORIGIN, SEX

In addition to the protection of Title VII of the Civil Rights Act of 1964, Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Sex discrimination is covered by Title IX if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in services provided under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal assistance.

INDIVIDUALS WITH DISABILITIES

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with reasonable accommodation, can perform the essential functions of a job.

If you believe you have been discriminated against in a program of activity receiving Federal assistance, you should contact immediately the Federal agency providing such assistance.

U.S. Department of Transportation

Important

U.S. DEPARTMENT OF LABOR

Wage Rate Information
Federal-Aid Highway Project

Construction work on this project is subject to the minimum wage rate provisions of Section 113, Title 23, United States Code and the overtime wage provisions of the Contract Work Hours and Safety Standards Act.

As an employee of the contractor or a subcontractor, you are entitled to be paid not less than the hourly rate for the particular classification of work performed as set forth in the schedule affixed below.

The schedule affixed below contains no minimum wage rates for the following employees:

1. Apprentices properly registered under approved Federal or State apprenticeship programs. Each approved program contains the applicable rates.
2. Persons employed pursuant to apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting equal employment opportunity in connection with Federal-aid highway construction programs. Programs thus certified will set forth the rates applicable.

Call any failure to receive the required rates to the attention of the representative of the contracting agency shown below or the nearest representative of the Federal Highway Administration.

(ND Department of Transportation representative)

GRANT LEVI
DEPUTY DIRECTOR FOR ENGINEERING POLICY
NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
608 EAST BOULEVARD AVENUE
BISMARCK, NORTH DAKOTA 58505-0700

Additional information may be obtained from the Federal Highway Administration, Washington, D.C. 20590.

Any communication should list the name, location, and type of project, the name of the contractor and his address, your name and address, and a statement of what you do, what rate you are paid, and what rate you think you should be paid.

(Attach Secretary of Labor minimum wage rate schedule)

DOT 3310 (Rev. 3-88)

EXHIBIT B — FEDERAL WAGE RATES

LABOR RATES FROM U.S. DEPARTMENT OF LABOR

Page 1 of 4

U.S. DEPARTMENT OF LABOR

STATE	AREA	DECISION NO.	PAGE
NORTH DAKOTA	STATEWIDE	ND990002	1

DATE OF DECISION: 3-12-99

	Basic Hourly Rates	Fringe Benefits Payments: H & W/Pensions	Vacation	App. Tr.	Others
CARPENTERS	$14.25	2.10			
CEMENT MASONS/CONCRETE FINISHERS	14.25	2.10			
LINE CONSTRUCTION:					
Lineman	22.17	2.00 + 19.75%			
Cable Splicer	22.17	2.00 + 19.75%			
Line Equipment Operator	19.95	2.00 + 19.75%			
Groundmen	13.30	2.00 + 19.75%			
ELECTRICIANS:					
Electrician	21.95	4.50 + 10.5%			
Cable Splicer (Adams, Billings, Bottineau, Bowman, Burke, Burleigh, Divide, Dunn, Emmons, Golden Valley, Grant, Hettinger, McHenry, McKenzie, McLean, Mercer, Morton, Mountrail, Oliver, Pierce, Renville, Rolette, Sheridan, Sioux, Slope, Stark, Ward, and Williams Counties)	22.35	4.50 + 10.5%			
Electrician	14.70	2.95 + 11.5%			
Cable Splicer (Barnes, Benson, Cavalier, Dickey, Eddy, Foster, Grand Forks, Griggs, Kidder, La Moure, Logan, McIntosh, Nelson, Pembina, Ramsey, Ransom, Richland, Sargent, Steele, Stutsman, Towner, Traill, Walsh, and Wells Counties)	15.45	2.95 + 11.5%			
Electrician (Cass County)	14.72	3.40			
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental					
LABORERS:					
Group 1 General Construction Laborer; Sack Shaker (cement and mineral filler); Pipe Handler, Drill Runner Tender, Salamander Heater and Blower Tender	9.50				

EXHIBIT C — DISCRIMINATION COMPLAINT PROCEDURE

DISCRIMINATION COMPLAINT PROCEDURE

It is the policy of _____ that any employee of, or applicant for employment with, this company is eligible to file, without fear of future punishment or reprisal, a complaint of discrimination on the basis of race, color, national origin, religion, sex, age, or handicap or disability. The purpose of this discrimination complaint procedure is to provide a complete and impartial system of investigation and corrective action concerning any and all alleged acts of discrimination. The following procedure will be made available to and discussed with all employees and will be posted in an area readily accessible to all applicants.

STEP 1: Any employee or applicant of _____ who feels he or she has been discriminated against shall file a "Discrimination Claim Form" which can be obtained from the project manager, company policy making officer, or EEO officer as listed below. This report must be completed and filed with the company EEO officer within 14 calendar days of the alleged incident. The company EEO officer's name and address is also posted on the project-site bulletin board.

STEP 2: Upon receiving the completed "Discrimination Claim Form," the company EEO officer will immediately notify the contracting agency's EEO department. A copy of the complaint will be IMMEDIATELY forwarded to that department.

STEP 3: Within seven calendar days of receipt of the complaint, the company EEO officer will meet with the affected persons in order to resolve the complaint. A conciliation conference must be held and attended by the complainant, the person(s) against whom the complaint was filed, and the company EEO officer.

STEP 4: a. If the complaint is resolved at the conciliation conference, a "Statement of Resolution" will be prepared and signed by the company EEO officer, the complainant, and the person(s) against whom the complaint was filed. The "Statement of Resolution" will be specific in detailing any mutual agreement made by the respective parties involved.

or

b. If the complaint cannot be resolved, the complainant will be advised of his or her avenues of appeal. Any employee may file directly with the Commissioner, North Dakota Department of Labor, Sixth Floor, State Capitol, Bismarck, North Dakota 58505, telephone (701) 328-2660, within one year after the alleged incident occurred; or with the Equal Employment Opportunity Commission, Suite 510, 303 East 17th Avenue, Denver, Colorado 80203, telephone (303) 866-1300, within 180 days of the alleged discriminatory act. If the complaint has been filed on a North Dakota Department of Transportation project, the complainant will also be advised that a complete report of the complaint and investigation will be forwarded to the North Dakota Department of Transportation Civil Rights Office for further action.

STEP 5: At the conclusion of the conciliation conference, the company EEO officer will prepare a "Report of Investigation" which will be specific in detailing each step of his or her investigation. This report must include, but not be limited to: (a) a list of all persons interviewed and the results of those interviews; (b) minutes and results of the conciliation conference; and (c) if applicable, the signed "Statement of Resolution." This "Report of Investigation" will be forwarded to the Civil Rights Office, North Dakota Department of Transportation, 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, telephone (701) 328-2576, within 15 calendar days of the date of the conciliation conference.

POLICY MAKING OFFICER	PROJECT MANAGER	EEO OFFICER
NAME	NAME	NAME
TITLE	TITLE	TITLE
ADDRESS	ADDRESS	ADDRESS
CITY STATE ZIP CODE	CITY STATE ZIP CODE	CITY STATE ZIP CODE
TELEPHONE	TELEPHONE	TELEPHONE

SFN 5422

PROCUREMENT OF FORMS

EXHIBIT A: Poster board is available from the Department of Transportation, Bismarck, North Dakota, or any district office.

EXHIBIT B: Wage rates are available from the contract proposal.

EXHIBIT C: Discrimination Complaint Procedure may be designed by each individual firm. The attached example form contains the basic information required to be posted.

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or

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POLICY MAKING OFFICER		
Name		
Title		
Address		
City	State	Zip Code
Telephone		

PROJECT MANAGER		
Name		
Title		
Address		
City	State	Zip Code
Telephone		

EEO OFFICER		
Name		
Title		
Address		
City	State	Zip Code
Telephone		

DISCRIMINATION CLAIM FORM

Name		Telephone	
Address	City	State	Zip Code

The person or employer who I believe has discriminated against me is:

Name		Telephone	
Address	City	State	Zip Code

Date, location, and/or project number of construction site where I believe the discrimination took place:

Cause of discrimination:

- ☐ Religion
- ☐ Race
- ☐ National Origin
- ☐ Age
- ☐ Color
- ☐ Sex
- ☐ Handicap or Disability

Use the back of this form to briefly write the particulars of what happened. Be specific regarding names and dates.

Signature

Date

This form must be filed with the company EEO officer within fourteen (14) calendar days of the alleged incident. The company EEO officer's name and address is posted on the project-site bulletin board or can be obtained by calling the company office at _____.

REPORT OF INVESTIGATION

Contractor

Name		Telephone	
Address	City	State	Zip Code

Employee (complainant)

Name	Telephone

Investigator

Name	Title
Date Complaint Received	Dates Of Investigation

General nature of the complaint:

Where investigation took place:

Investigation procedures used: (List names and dates of interviews as well as results of each.) (If more room is required, attach another page.)

Report of findings: (If more room is required, attach another page.)

Specific actions taken or agreed upon: (If more room is required, attach another page.)

Investigator's Signature

Date

Complainant's Signature

Date

A copy of this report must be submitted to the Civil Rights Division, North Dakota Department of Transportation, 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, within fifteen (15) calendar days of the date of the conciliation conference.

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