



Contract Compliance Manual

**NEVADA DEPARTMENT OF TRANSPORTATION
Kristina L. Swallow, P.E., Director**

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Section 1 – Introduction and General Information

The NDOT Contract Compliance Manual (CCM) is provided as a framework to ensure uniform compliance with Federal and State regulations for NDOT construction projects. The CCM provides the basis to administer the Department’s programs in Equal Employment Opportunity (EEO); Disadvantaged Business Enterprise (DBE) and Small Business Enterprise (SBE); and On-the-Job Training (OJT) and the Apprenticeship Utilization Act. The CCM will similarly provide the foundation to confirm compliance with Federal and State labor and wage standards and regulations, and with the Department’s Standard Specifications for Road and Bridge Construction, Division I, requirements.

Additionally, the CCM provides the procedural basis for the [Comprehensive Compliance Review Plan](#) submitted annually to the Federal Highway Administration.

Scope

The CCM shall be used by NDOT staff, contractors, subcontractors, service providers, consultants, local public agencies (LPAs), vendors and all personnel involved in the administration of construction contract compliance.

Responsibilities and Authorities

The primary responsibility for the day-to-day administration of the Contract Compliance Program is with the Contract Compliance Manager under the direction of the NDOT Civil Rights Officer. The Contract Compliance office works closely with the Resident Engineers (REs) and field crews to ensure compliance on each construction contract.

Specific authorities are listed in each section of the CCM.

Updates and Revisions

The CCM is a dynamic document and subject to annual review by the NDOT Contract Compliance office. CCM revisions will be released by the Contract Compliance Manager according to Section 9 of this manual.

Any comments or suggestions on the CCM should be sent to the Contract Compliance Manager via email at contractcomplianceprojects@dot.nv.gov.

Acronyms

AAP	Affirmative Action Plan
AUA	Apprenticeship Utilization Act of 2019
B2GNow	Business to Government Now
CAP	Corrective Action Plan
CCM	Contract Compliance Manual
CFR	Code of Federal Regulations
CPR	Certified Payroll Report
CUF	Commercially Useful Function
DBE*	Disadvantaged Business Enterprise

EEO	Equal Employment Opportunity
EOB	End of the business day
FHWA	Federal Highway Administration
GFE	Good Faith Effort
IDR	Inspector Daily Report
LCP	Labor Compliance Program (LCPtracker)
MBE*	Minority-owned Business Enterprise
NAC	Nevada Administrative Code
NAICS	North American Industry Classification System
NDOT	Nevada Department of Transportation
NRS	Nevada Revised Statute
OFCCP	Office of Federal Contract Compliance Programs (USDOL)
OLC	Office of the Labor Commissioner, State of Nevada
OWINN	<i>Nevada Governor's</i> Office of Workforce Innovation
RE	NDOT Resident Engineer
SBE*	Small Business Enterprise
SSPR	Subcontractor/Service Provider Request form
URL	Address of a webpage (Uniform Resource Locator)
USC	United States Code
USDOL	United States Department of Labor
USDOT	United State Department of Transportation
VCAP	Voluntary Corrective Action Plan
WBE*	Woman-owned Business Enterprise

*SBEs are considered an important, race-neutral part of the DBE Program defined in Federal and State regulation. However, as referenced in NDOT documentation (including this CCM), and in goal setting, the acronym DBE will only include MBEs and WBEs, and NDOT will reference SBEs separately.

Definitions

Affirmative Action – Specific actions in recruitment, hiring and other areas designed and taken for the purpose of eliminating the present effects of past discrimination, or to prevent discrimination. Affirmative action achieves, maintains or leads to equal employment opportunity.

Apprentice – A person employed and registered in a bona fide apprenticeship program verified by the Governor's Office of Workforce Innovation, Nevada State Apprenticeship Council.

B2GNow - Reporting software, provided by the Nevada Department of Transportation, to maintain a record of a contract, including the reporting of payments to all subcontractors and DBE suppliers. Also known as the NDOT DBE System.

Bid-Tab – A bid-tabulation is a summary of the results of bids submitted to NDOT by all contractors on a project or contract. Bid-tabs for all projects are available on the [NDOT website](#).

Business Day (please also see definition for Calendar Day and Working Day) – Any day other than Saturday, Sunday or a holiday observed by NDOT (see a list of holidays observed by NDOT on page 1-4).

Calendar Day (please also see definition for Business Day and Working Day) – a day (24-hour period) shown on a calendar starting at midnight and ending at midnight.

Calendar Week – a week (7 days) shown on a calendar starting at midnight on Sunday and ending at midnight on Saturday.

Certified Payroll Report – a report of weekly payroll accompanied by a signed statement of compliance which “certifies the truthfulness and accuracy of the report.” (NAC 338.094)

Contract – the written agreement between NDOT and the contractor (prime contractor) setting forth the obligations of the parties thereunder, including, but not limited to the performance of the work, the furnishing of labor and materials and the basis of payment.

Contractor – The individual, partnership, firm, corporation, or any acceptable combination thereof, or joint venture, contracting with the Department for performance of prescribed work.

Day – is to be understood as a calendar day, unless otherwise specified.

Department – The Nevada Department of Transportation (NDOT)

Disadvantaged Business Enterprise – A for-profit small-business concern where socially and economically disadvantaged individuals own at least 51% interest and also control management and daily business operations, as prescribed in 49 CFR Part 26 and NRS 408

Equal Employment Opportunity (EEO) – Protection of applicants and employees against discrimination on the basis of race, color, religion, sex, national origin, disability, age or genetics.

Fringe Benefits – Contributions irrevocable made to a trustee or third party pursuant to a bona fide fringe benefit fund plan or program. Examples include health insurance, life insurance, pension, vacation, sick leave, etc.

Horizontal Construction - [NRS 338.010](#) the construction of any fixed work, including any irrigation, drainage, water supply, flood control, harbor, railroad, highway, tunnel, airport or airway, sewer, sewage disposal plant or water treatment facility and any ancillary vertical components thereof, bridge, inland waterway, pipeline for the transmission of petroleum or any other liquid or gaseous substance, pier, and work incidental thereto. The term does not include vertical construction, the construction of any terminal or other building of an airport or airway, or the construction of any other building.

LCPtracker - Payroll tracking system used by the Nevada Department of Transportation to track weekly payroll to facilitate the submission of weekly CPRs and payments.

NAICS Codes - North American Industry Classification System, numerical coding system classifying business by industry. Used in the DBE/SBE program for certification. See the [NDOT Disadvantaged Business Enterprise Contractor’s Handbook](#) for additional information.

Owner/Operator - a person who owns and operates their own equipment (only applicable to the truck driver craft/trade).

Prime Contractor – a contractor who contracts to construct an entire project, coordinates all work performed on the entire project, uses his or her own workforce to perform all or part of the project and contracts for the services of any subcontractor.

Project – the specific section of the highway or a facility together with all appurtenances and construction to be performed thereon at the prices quoted.

Show Cause Notice – a written notification of noncompliance after a Comprehensive Compliance Review determination. The notice details the basis for the determination and provides the opportunity, within 30 days of issue, to either correct any deficiencies, negotiate a corrective action plan, or to “show cause” why sanctions should not be imposed.

Site of work - the physical place or places at which the work or service is performed that is necessary to complete the contract or at which a significant portion of the work or service is performed to construct, alter or repair a project, if such place is established specifically for the completion of the contract or dedicated exclusively, or nearly so, to the completion of the contract. The site of work includes job headquarters, a tool yard, batch plant, borrow pit or any other location that is established for the purpose of completion of a contract or that is dedicated exclusively, or nearly so, to completion of a contract. The term does not include a permanent home office, branch plant establishment, fabrication plant, tool yard or any other operation of a contractor, subcontractor or supplier if the location or the continued existence of the operation is determined without regard to the completion of a contract.

Subcontractor - [NRS 338.010](#) provides the following definition: “Subcontractor” means a person who:

1. is licensed pursuant to the provisions of [chapter 624](#) of NRS or performs such work that the person is not required to be licensed pursuant to [chapter 624](#) of NRS; and
2. contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

Trainee – One who has not previously worked in, or has the experience necessary, to be considered a journeyman in the classification for which they are to be trained and has not previously completed such a training program in that classification. Differentiated from an apprentice in that they are **not** part of, or registered in, a bona fide apprenticeship program registered with the U.S. Department of Labor, and verified by the Governor’s Office of Workforce Innovation, Nevada State Apprenticeship Council.

Vertical Construction - [NRS 338.010](#) the construction or remodeling of any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any improvement appurtenant thereto.

Working Day (please also see definition for Business Day and Calendar Day) – A calendar day on which weather and other conditions not under the control of the Contractor will permit construction operations to proceed for the major part of the day (5 hours) with the normal working force engaged in performing the controlling item or items of work which would be in progress at that time, exclusive, however, of Saturdays, Sundays, State recognized holidays, and any day that is incumbent upon the Contractor, by means of a labor union, to observe as a holiday. However, if the Contractor elects to work on such days, those days will be considered as a working day.

For other acronyms and definitions used by NDOT, please refer to the Standard Specifications for Road and Bridge Construction (Standard Specifications) and as modified by the Contract Special Provisions.

Holidays observed by NDOT

January 1, New Year's Day
Third Monday in January, Martin Luther King Jr. Day
Third Monday in February, President's Day
Last Monday in May, Memorial Day
July 4, Independence Day
First Monday in September, Labor Day
Last Friday in October, Nevada Day
November 11, Veteran's Day
Fourth Thursday in November and the following Friday, Thanksgiving and Family Day
December 25, Christmas Day

Section 2 – Subcontractors on NDOT Projects

Prior to any work being performed by a subcontractor or service provider, the company must be approved by NDOT. A Project Workforce Checklist must be on file, with the Department, before a subcontractor or service provider approval may be requested (see Section 6). Approval is requested via the Subcontractor/Service Provider Request (SSPR) form.

Authorities

Subcontractor Approval

23 CFR 635.116

NRS 408.377

FHWA Form 1273, Section VI

108.01 - NDOT Standard Specifications for Road and Bridge Construction (and as modified by the Contract Special Provisions)

Licensing Requirements

State of Nevada Business License – NRS 408.379, NRS 338.072

Contractor's License and License Monetary Limit – NRS 624.220

Contractor Self-Performance

23 CFR 635.116 (a)

FHWA Form 1273-VI

108.01 - NDOT Standard Specifications for Road and Bridge Construction (and as modified by the Contract Special Provisions)

Certification Regarding Debarment, Suspension or Ineligibility

2 CFR

FHWA Form 1273-X

NRS 338

Payment to Subcontractors

49 CFR, Part 26

NRS 408.383

109.08 - NDOT Standard Specifications for Road and Bridge Construction (and as modified by the Contract Special Provisions)

Processing the SSPR (Subcontractor Approval)

At award, the prime contractor will receive a URL (internet address) to access a contract specific SSPR which will be used throughout the life of the contract. The URL will navigate the user (for data entry) to a DocuSign page with a fillable form to complete the request. Once completed the SSPR will automatically be routed to the requested subcontractor for signature; the requesting company (if different than the prime) for signature; the prime contractor for signature; the NDOT RE for review and recommendation; and finally, to Contract Compliance for review and approval. Once all parties have signed, and approval given, all parties will receive a copy of the signed SSPR, including the initial user.

At award, the prime contractor will be requested to fill out a Project Contact Information form to provide contact information and to designate authorized signers. If no signers are

designated, the form will default to the prime's project manager for signature. To change contacts, designate a different signer, or to request a limited number of people who can sign on behalf of the prime (a signing group), please complete the request at <https://na2.docusign.net/Member/PowerFormSigning.aspx?PowerFormId=81ee203d-f346-48bc-b5a3-8ca433e02a59&env=na2>. Please note, if a signing group is chosen, all signers in the group will have equal access to the SSPR and have equal signing authority. The prime contractor can choose to share the SSPR URL with subcontractors/service providers to request lower tiers, or the prime can process all SSPRs.

Once the initiator of the SSPR navigates to the project specific URL, the screen shown here will display.

To initiate the form:

- A. **Initiator:** enter the name and email address for the person responsible for doing the data entry and initiating the form.
- B. **Authorized Signer for Requested Sub/SP:** the name and email address of the person who is authorized to sign the SSPR on behalf of the requested subcontractor/service provider. **This person must be authorized to enter into a legal agreement with the prime or requesting company.**
- C. **Authorized Signer for Requesting Company:** If the requesting company is the prime, leave this section blank. If the requester is not the prime contractor, enter the name and email address for the person authorized to sign for the requesting company. **This person must be authorized to enter into a legal agreement with the prime and or requested subcontractor/service provider.**
- D. After completing the appropriate fields, click on "**Begin Signing,**" to begin the data entry in the SSPR.

PowerForm Signer Information

Fill in the name and email address for each signing role listed below. After the SSPR is complete, all signers will receive an email to sign this SSPR. If the requesting company is the prime contractor, leave the "Authorized Signer for Requesting Company" section blank. Please call 775-888-7497, option 3, if you need assistance.

Please enter your name and email to begin the signing process.

Your Role:
Initiator

Your Name:

Your Email:

Please provide information for any other signers needed for this document.

Role:
Authorized Signer for Requested Sub/SP

Name:

Email:

Role:
Authorized Signer for Requesting Company (if not prime)

Name:

Email:

Begin Signing

Description for each field of the SSPR is provided below and a corresponding key is shown on pages 6 and 7 of this section. Please note, all dollar figures should be entered without comma separators, or dollar signs, and all dates should follow the MM/DD/YYYY format. Please see section 8 for examples of alternative delivery SSPR forms (architecture and Design Build).

1. Contract number (prefilled by NDOT)
2. Resident Engineer (prefilled by NDOT)
3. Date the form is initiated (will be automatically filled by DocuSign)
4. Company name of prime contractor (prefilled by NDOT)
5. Funding source (prefilled by NDOT)
6. Project location/description (prefilled by NDOT)
7. Select the type of sub-agreement: subcontractor, service provider, or hauling/trucking.
8. The total estimated amount of the sub-agreement.
9. The estimated date the subcontractor will start on the project.
10. The estimated date the subcontractor will complete their scope for the project.
11. If the requesting company is the prime, check the box next to "Requester is Prime" and go to the next field. If not the prime, leave the box unchecked and enter the name of the company requesting the subcontractor. For example, the name of a 1st tier subcontractor who is requesting a 2nd tier subcontractor.
12. The **legal business name** of the requested subcontractor (this will correspond to the listing on the State of Nevada business license in Field 16).
13. The contact name for the requested subcontractor (will be automatically filled by DocuSign from the information provided in the initiation of the form and will populate when signed). Must be an authorized signer for the company.
14. The telephone number for the requested subcontractor contact.
15. The email address for the requested subcontractor contact (will be automatically filled by DocuSign from the information provided in the initiation of the form and will populate when signed).
16. The State of Nevada business license number.
17. The State of Nevada business license expiration date.
18. If applicable, the Nevada Contractor license number as issued by the Nevada State Contractors Board. If the subcontractor has multiple contractor licenses, please only list those licenses required to complete the Scope of Work for the project described in Fields 24-26 or 28.
19. The Nevada Contractor license monetary limit as assigned by the Nevada State Contractors Board.
20. The expiration date of the Nevada Contractor license.
21. Choose the appropriate designation: DBE certified, SBE certified or N/A. Note: if the prime contractor chooses not to use the DBE or SBE firm towards either the race conscious or race neutral goal on the project, an explanation for the choice should be included in the scope of work section (Field 28), *but still make the appropriate choice* if the requested subcontractor is a Nevada Certified DBE or SBE firm.
22. Has the Project Workforce Checklist been previously submitted (with the bid or after) or do you need to attach here to the SSPR (an upload icon will appear once checked).
23. Please select the appropriate response for the requested subcontractor if prevailing wage will be required in all instances, not required, or required in some instances (primarily for hauling/trucking companies). If the subcontractor is not subject to prevailing wage, please note reason why in the work not subject to prevailing wage section, Field 31.
24. Check this box (an upload icon will appear once checked) if you will need to attach an additional bid item sheet (more bid items are needed than there is space in Fields 25-

27). Please add "see attached" in the first or last description field (Field 25) and add the total amount of the attached sheet in the corresponding subcontract amount field (Field 27). An example of the Additional Bid Item sheet can be found in Section 8 – Contacts, Links and Forms.

Fields 25-27, and all other corresponding Fields in the table, should only be completed if the subcontractor is completing bid item work. If no bid item work is to be completed by the requested subcontractor, leave the table blank, and provide information in the Scope of Work section, Field 29.

25. The Bid Item number as listed on the Bid Tabulation for the project.
26. The Item Description as listed on the Bid Tabulation for the project.
27. The total (extended price) amount the requested subcontractor will be paid for the bid item. Please note, the amount paid to each subcontractor is proprietary/confidential information and is not subject to a Public Records, or Freedom of Information Act (FOIA) request. However, the information is viewable to all signers of the SSPR and subject to review by the State of Nevada and the FHWA.

Repeat entries in the table for each additional bid item for the requested subcontractor, as described in Fields 24-26. If more space is needed, attach an additional bid item sheet as described in number 23 above.

28. The total amount to be paid to the subcontractor for all bid items listed in the table above (the total amount will automatically be calculated). The total amount will be for all bid items if totals for other attached sheets are designated as instructed in number 24 above. If additional bid item sheets are attached, those sheets should be totaled separately.

If the table associated with Fields 25-27 is left blank, then Field 29, Scope of Work is required.

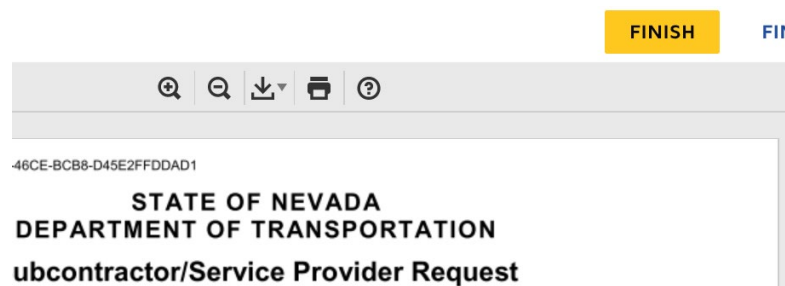
29. The scope of work to be completed by the requested subcontractor, if performing other than bid item work. If performing only bid item work, enter n/a here.
30. If the requested sub/service provider is a DBE or SBE trucking company, they will check this box (an upload icon will appear once checked) to attach the DBE/SBE Trucking Credit Worksheet. Note: this field is only available to the requested sub/service provider.
31. If the work to be completed is not subject to prevailing wage (answered "no" in Field 23) please provide detail about the work and why it is not subject to prevailing wage.
32. Lists the required inclusions attached to the SSPR for a Federal-aid contract (Prechecked by NDOT if appropriate). Please note, if a Federal-aid project, the requested subcontractor/service provider will initial the attached *FHWA Form 1273* to confirm receipt of the form, and will be required to complete the attached *Certification Regarding Lobbying* form.
33. Lists the required inclusions attached to the SSPR for a State funded contract (Prechecked by NDOT if appropriate).

Please note, on the form the signers are from left to right, the prime (Field 32), the requesting company (Field 33), and the requested subcontractor/service provider (Field 34). However, the signing order will be opposite to how it is listed, with the requested subcontractor/service provider signing first and the prime last.

34. Each SSPR must be signed by an authorized representative of the prime contractor and will automatically be routed to the appropriate signer after the SSPR is complete, signed by the requested subcontractor/service provider and signed by the requesting company (if other than the prime).

35. The signature of an authorized representative of the requesting company. This Field will remain blank if the requesting company is the prime contractor.
36. Each SSPR must be signed by an authorized representative of the requested subcontractor/service provider.
37. The printed name of the prime contractor's authorized representative (will be automatically filled by DocuSign).
38. The printed name of the authorized representative of the requesting company (will be automatically filled by DocuSign).
39. The printed name of the authorized representative of the requested company (will be automatically filled by DocuSign).
40. The date signed (will be automatically filled by DocuSign).
41. The date signed (will be automatically filled by DocuSign).
42. The date signed (will be automatically filled by DocuSign).
43. If corrections are needed, a separate page(s) will be attached to the DocuSign Envelope, at the end of the document, by NDOT Contract Compliance.

Once done with the data entry, click on *FINISH* (see below) at the top of the screen to initiate the routing for signature



All Signers to the SSPR will receive an email from NDOT Contract Compliance to sign the SSPR by clicking on the *REVIEW DOCUMENT* button (see below). After signing and completing required information, the signer should click on *FINISH*, as above, to move the form along in the signing process.



DO NOT FORWARD EMAIL

NDOT Contract Compliance sent you a document to review and sign.



**STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
Subcontractor/Service Provider Request**

NDOT Contract No: **1** Resident Engineer: **2** Date Requested: **3**

Prime Contractor: **4** Funding: **5**

Project Location/Description:

6

Agreement Type (select one): **7** Subcontractor Service Provider Hauling/Trucking

Estimated Total Work Amount: **8** Est. Start Date: **9** Est. End Date: **10**

Requester is Prime, or Requesting Company Name: **11**

Sub/Service Provider Requested (Legal Business Name): **12**

Sub/Service Provider Contact Name: **13** Telephone No.: **14**

Sub/Service Provider Email Address: **15**

NV State Business License No.: **16** Expiration Date: **17**

NV Contractor License No(s): **18** License Limit: **19** Expiration Date: **20**

Is the requested Subcontractor/Service Provider a Nevada Certified DBE or SBE? **21** DBE SBE N/A

Project Workforce Checklist: **22** Previously submitted Attached here

Subject to Prevailing Wage? (select one): **23** Yes No* Some, but not all, work is subject to Prevailing Wage.

If subject to Prevailing Wage, Certified Payroll Reports must be submitted through the LCPtracker system

Complete if performing bid item work

24 attach additional bid item sheet

Bid Item #	Item Description	Subcontract Amount
25	26	27

Bid Item #	Item Description	Subcontract Amount

Total of all items above: \$ **28**

*Enter detail on Page 2

Describe scope of work, if performing other than bid item work:

29

30 Attach DBE/SBE Trucking Credit Worksheet, if applicable

If work is not subject to Prevailing Wage (answered "no" on page 1) please provide detail about the work and why it is not subject to Prevailing Wage:

31

The Prime Contractor and Subcontractor/Service Provider (all tiers), by signing below, acknowledge receipt of the Contract Provisions indicated. Each of the contract provisions are an enforceable part of the construction subcontract. Upon return of an **approved** SSPR, the Subcontractor/Service Provider may begin work on the project. Within 2 business days of starting work on the project, all Subcontractors/Service Providers must be listed in the B2GNow system, and subcontracts uploaded for all subcontractors by the Prime Contractor.

Inclusions for Federal-Aid Projects

1. Form FHWA-1273: Required Contract Provisions Federal-Aid Construction Contracts
2. Labor Provisions: The Designated Hourly Minimum Wage Rates supplied by the United States Department of Labor and the Office of the Nevada Labor Commissioner
- 32 3. Certification on Restrictions on Lobbying Using Appropriated Federal Funds
4. Additional Contract Provisions – Supplement to the Weekly Certified Payrolls
5. Subcontract Provisions: Nevada Revised Statutes
6. DOT Order 1050.2A, Appendix A and E
7. If applicable, Additional Contract Provisions: Training Special Provisions
8. Postings and Notices Reference

Inclusions for State Funded Projects

1. Labor Provisions: The Designated Hourly Minimum Wage Rates supplied by the Office of the Nevada Labor Commissioner
- 33 2. Additional Contract Provisions – Supplement to the Weekly Certified Payrolls
3. Subcontract Provisions: Nevada Revised Statutes
4. Postings and Notices Reference

34 _____ Prime Authorized Signer	35 _____ Authorized Signer for Requester (if other than Prime)	36 _____ Authorized Signer for Requested Sub/Service Provider
37 _____ Name	38 _____ Name	39 _____ Name
40 _____ Date Signed	41 _____ Date Signed	42 _____ Date Signed

For NDOT Use Only

Recommended: _____ Resident Engineer _____ Date Signed _____

% Subject to Self-Performance: _____ % Subcontracted to Date (with this request): _____

\$ Subject to Self-Performance: _____ \$ Subcontracted to Date (with this request): _____

Approved: _____ Contract Compliance Officer _____ Date Signed _____

Once the SSPR is routed to Contract Compliance, the SSPR will be reviewed for compliance of the following:

1. a valid State of Nevada business license;
2. if applicable, a valid contractor's license issued by the Nevada State Contractors Board, and:
 - a. classification sufficient to perform the work listed on the SSPR; and
 - b. the estimated total work amount equal to, or less than, the license monetary project limit listed by the Nevada State Contractors Board;
3. the company requested is not subject to debarment, suspension or ineligibility as verified by the Federal System for Award Management, and/or the Office of the Labor Commissioner of the State of Nevada; and
4. if applicable the DBE or SBE status and commitment comparison.
5. if applicable, review for specialty items (see Prime Contractor Self-Performance, below).

Once approved, a signed copy will automatically be routed to the following:

- The initiator of the form
- All signers of the form (prime PM or designee(s), requesting company, requested subcontractor or service provider, Resident Engineer and Contract Compliance)
- Prime subcontractor/B2GNow coordinator
- Prime CPR/LCPtracker coordinator
- Assigned NDOT Field Crew
- NDOT Contract Services
- Nevada Department of Taxation

Upon approval of the SSPR, the subcontractor/service provider may begin work on the project.

If the subcontractor/service provider is subject to prevailing wage, Field 22 of the SSPR, the requesting contractor should assign the requested subcontractor/service provider in LCPtracker at the time of SSPR submittal (see Section 3 - Certified Payroll Reports and Labor Compliance).

Prime Contractor Self-Performance

Contractor self-performance requirements will initially be tracked through the submission of the SSPR. Information on self-performance (less any specialty items listed in section 108.01 of the NDOT Standard Specifications for Road and Bridge Construction and as modified by the Contract Special Provisions) can be found at the bottom of page 2 of the SSPR and will be provided upon approval by NDOT Contract Compliance.

Entry into B2GNow (see below for additional information about B2GNow)

Within 2 business days of an approved subcontractor, service provider, or DBE supplier starting work (or providing materials) on the project, the firm must be entered into B2GNow by the prime or requesting contractor. Additionally, all subcontractors (those requiring a contractor's license for the scope of work to be completed) must have a copy of their subcontract uploaded in B2GNow. Once submitted, the entry will show as "Pending" until approved by NDOT Contract Compliance. The contractor will no longer be required to upload a copy of the approved SSPR, and it is not necessary to submit any hard copies of the documents.

Failure to seek pre-approval or enter information into NDOT systems in a timely manner, may result in the subcontractor/service provider being removed from the project (at the discretion of the RE), and/or withholding of progress payments.

B2GNOW (Business to Government Now) aka NDOT DBE System

B2GNow is a diversity management and compliance software being utilized by NDOT to monitor contract compliance, process applications for Disadvantaged Business Enterprise (DBE) certification, track certified DBEs, and perform outreach. The software allows the prime contractor, subcontractors, Resident Engineers and Contract Compliance to all view the same information about construction contracts. The software is web-based and is provided to contractors and subcontractors to use free of charge.

Each construction contract is entered into B2GNow by NDOT Contract Compliance within 3 working days of the award date (provided the project contacts list has been provided). Prime contractors, subcontractors and service providers enter data on all lower tier subcontractors, service providers and DBE suppliers and subsequently enter monthly payments to each lower tier and DBE supplier. NDOT Contract Compliance monitors the information submitted to ensure compliance with State and Federal regulations and specified contract requirements.

B2GNow is the repository for most contract documentation (e.g. CUF reviews, certificates of insurance, etc.) and is viewable by NDOT staff and project specific contractors based on system permissions and user roles.

All contractors, service providers and DBE suppliers are responsible to keep their vendor profile current in B2GNow and assign and remove user IDs as necessary.

Access B2GNow at <https://ndot.dbesystem.com/>. For directions, tutorials and training, navigate to the help and support section on the B2GNow homepage (as seen pictured on the right).

Help & Support »
Contact Support
User Manual »
Other Help Guides »
Training Classes
Wish List
Information Portal
Submit Feedback
Report a Problem
System Status Board
Email Test
About B2Gnow

Payments to Subcontractors

All contractors must report payments made to each lower tier subcontractor, service provider or DBE Supplier, via B2GNow, by the 15th day of each month following payment. Reporting payments via B2GNow is considered a necessary portion of the work and future payments may be delayed if contractors are non-compliant.

The prime contractor shall pay each subcontractor or service provider for satisfactory performance of work no later than 15 days from the receipt of each payment the prime contractor receives from NDOT. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractor's or service provider's work is satisfactorily completed in full.

For the purposes of this subsection, satisfactory completion of work is defined as meeting the following conditions:

1. Satisfactory completion of the scope of work as described in the contract documents;

2. Receipt of payment for scope of work;
3. Release of claims from subcontractor's or service provider's laborers, material and equipment suppliers, and lower tier subcontractors or service providers;
4. Payment, if applicable, of all union benefits or to employee trust accounts

After payments are posted by the prime contractor, or next higher tier, each subcontractor, service provider or DBE supplier must respond to the audit email sent by B2GNow, aka NDOT DBE System, to confirm payments. The prime will be required to provide proof of payment for all payments not confirmed.

Records Retention

All contractors, subcontractors and service providers are subject to the [Records Retention and Disposition Schedule](#) adopted by the Department. Records must be maintained for seven (7) years from the date of final payment by the Department to the prime contractor.

Section 3 – Certified Payroll Reports (CPRs) and Labor Compliance

Requirements of Davis-Bacon and Related Acts (DBRA), prevailing wage requirements, submission of certified payroll reports and labor compliance are applicable to all prime contractors, subcontractors, and service providers as determined by the USDOL, and/or the Office of the Labor Commissioner of Nevada.

Authorities

23 U.S.C. 113
40 U.S.C 276(a) – Davis Bacon Act
40 U.S.C 276(c) – Copeland Act
23 CFR 633A
23 CFR 635.118
23 CFR 635.309
29 CFR Parts 1, 3 and 5
NRS 408.55086 as related to NRS 338.013 to 338.090 inclusive.

Prevailing Wage

The term “laborer and mechanic” includes those workers whose duties are manual or physical in nature (including those workers who use tools or who are performing the work of a trade), as distinguished from mental or managerial duties. The term includes apprentices, trainees and helpers.

Prevailing wage requirements are applicable to all Federal-aid contracts over \$2,000, and all State funded contracts over \$100,000. LCPtracker is required for all prevailing wage contracts (Section 110.01 of the Standard Specifications, and as modified by the Contract Special Provisions for Road/Highway Construction, and the contract specific *Specifications and other Related Documents* for Architecture/vertical construction contracts).

Manufacturing representatives responsible for installation, certification, calibration and startup/testing; training operations personnel for manufactured equipment and devices; portable toilet rental employees; salesmen; suppliers, etc., are not subject to prevailing wage unless they are physically performing work on the contract (see Office of the Labor Commissioner Advisory Opinion AO 2015-05 dated November 10, 2015 at <http://labor.nv.gov/uploadedFiles/labornvgov/content/About/AO%20SERVICE%20PROVIDERS%20AO%202015%2005.pdf>).

Certified Payroll Reports

Before CPRs may be entered into LCPtracker, a company must be assigned, approved in LCPtracker by NDOT Contract Compliance, and a fringe benefit statement uploaded into the system. For additional information, see the LCPtracker section on page 3-6.

Once a prime contractor, subcontractor or service provider, subject to prevailing wage, begins work, a certified payroll must be entered into LCPtracker within fourteen (14) calendar days of the week ending date, with no additional allowance for payrolls ending on Saturday, Sunday or a holiday. Thereafter, a payroll or non-performance payroll must be entered into LCPtracker each calendar week.

All companies are responsible for the accurate and timely submittal of their own CPRs, and those of any lower tiers assigned. NDOT may withhold progress payments on the project if CPRs are not submitted within regulation/specification.

Each week, NDOT personnel will review the payroll reports, document payrolls submitted late or not submitted, and note any deficiencies in the reports. NDOT personnel will notify the prime contractor in writing, and, if applicable, any offending subcontractor or service provider of late CPRs or deficiencies. If errors are found on the payrolls, the prime contractor, and, if applicable, any offending subcontractor or service provider will be notified immediately, and the CPRs must be corrected immediately.

In addition, if payrolls for a particular month are not submitted by the 15th of the following month, forfeitures and penalties may be assessed in accordance with NRS 338. (Example: payrolls for week ending June 1, 8, 15, 22 and 29 2019, must be entered by July 15, 2019). NDOT Contract Compliance will review the payrolls, and 1) apply allowed considerations by notifying the prime contractor and the offending subcontractor, if applicable; or 2) prepare a late payroll determination letter to assess forfeitures, and/or penalties.

Separate CPRs are required in LCPtracker for each instance of a sub-agreement. For example: ABC Concrete and DEF Construction are both subcontractors to the XYZ Construction, and ABC Concrete is a 2nd tier service provider to DEF Construction; therefore, ABC Concrete will need to have two separate CPRs entered in LCPtracker, one for the prime (XYZ) and one for DEF.

Once a weekly payroll is accepted by NDOT, the payroll will be locked. If revisions are necessary, the company must send an email to NDOT Contract Compliance requesting editing permissions, stating the reasons for the revision. Please note, when CPRs are submitted, your company is also certifying compliance with the regulations and attesting to the truthfulness and accuracy of the report. Edits should be a rare occurrence, not a standard operating procedure.

Questions from subcontractors or service providers concerning CPRs, prevailing wage, working out of classification, overtime, incorrect wages, etc., will be directed to the prime contractor first, and if additional assistance is needed, then to NDOT Contract Compliance.

NDOT's goal is to ensure accurate CPRs are submitted timely. If payrolls are submitted weekly, as required by the Standard Specifications (and as modified by the Contract Special Provisions) and this CCM penalties and forfeitures can be avoided.

Prime Contractors' Responsibilities:

1. Ensure all subcontractors and service providers are approved by NDOT, before any work is performed by the subcontractor or service provider on the project.
2. Ensure all subcontractors and service providers, subject to prevailing wage, are assigned in LCPtracker at the time the SSPR is completed.
3. Ensure the prime contractor's own CPRs and those of their lower tiers, are submitted according to this CCM and Section 110.01 of the Standard Specifications, as modified by the Contract Special Provisions.
4. For Federal-Aid contracts, ensure the appropriate prevailing wage, either State or Federal, whichever is higher, is used, and that overtime calculations are based on the higher prevailing wage after fringe benefits are subtracted.

Other Deductions

Any “other” deductions must be permissible by law. For information on allowable deductions please see 29 CFR § 3.5. Any allowable, voluntary deduction must be consented to by the employee in writing, and the signed consent uploaded into LCPtracker.

Apprentices

All apprentices working on the contract must be registered with the Nevada Governor’s Office of Workforce Innovation Apprenticeship Council, and an Apprentice Verification form must be on file with the Department.

The prime contractor or subcontractor must complete a Request for Apprentice Verification form for each apprentice working on the contract and send the completed document to the Nevada Governor’s Office of Workforce Innovation (OWINN) via email. OWINN utilizes the form to confirm that each apprentice is enrolled in an approved program and completes the bottom of the form (including the ratios for apprentice vs. journeyman).

The Request for Apprentice Verification form is approved and returned to the prime contractor or subcontractor. The prime contractor or subcontractor must upload the approved Request for Apprentice Verification form into LCPtracker under the eDocuments tab. The prime contractor or subcontractor should inform Contract Compliance via telephone at 775-888-7497 or via email contractcomplianceprojects@dot.nv.gov when a Request for Apprentice Verification form is uploaded and ready for NDOT approval.

A form must be uploaded for each project, but a previously approved verification form, **approved within the last year**, can be used on multiple contracts and across State Agencies. Once a verification form is older than a year, a new verification must be requested for any new projects. A new form is only required for new projects. Once a contract has an approved form submitted on a contract, it is valid throughout the life of the contract. If an apprentice moves from one company to another, a new verification must be obtained.

An apprentice must be noted on the CPR and paid pursuant to the terms of the apprenticeship agreement, expressed as a percentage of the journeyman hourly rate (or as collectively bargained).

If no journeymen are listed on the payroll or the ratio of apprentices to journeymen is not attained, the apprentice must be paid at the full journeyman rate for the type of work performed (NAC 338.0095). The maximum number of apprentices that a prime contractor or subcontractor can use on the jobsite cannot exceed the ratio of apprentices to journeymen allowed on the approved Request for Apprentice Verification form.

For additional information on apprentices see Section 6.

Trucking

All trucking companies, regardless of tier, must be approved by NDOT (see Section 2), except for trucks hauling materials to the site and the purchase price of the material includes delivery (the supplier is paying for the hauling and not the contractor purchasing the materials). Purchase order or purchase agreements may be requested by Contract Compliance to confirm supplier status.

DBE trucking companies must submit a DBE Trucking Credit Worksheet to NDOT, with (or before) the submittal of the SSPR. A DBE trucking company will not be approved without the DBE Trucking Credit Worksheet (see Section 5 for more information).

Trucking companies working on the project may or may not be required to submit certified payrolls in LCPtracker. Determine if prevailing wage applies or not for each truck driver, depending on what work is being performed, and if they are working at the site of work.

Please refer to the Definitions and Acronyms section for the definition of the "site of work." Examples of when prevailing wage is required:

1. Truck drivers hauling within the site of work (from one location to another or from a project stockpile).
2. Truck drivers hauling materials or supplies between a facility that is deemed part of the site of work and the actual construction site.
3. Truck drivers hauling between a pit designated in the Contract Special Provisions (hotplant, concrete batch plant, materials source, etc.) and the site of work.
4. Truck drivers hauling materials from the site of work to a location designated in the Contract Special Provisions (unsuitable material, etc.).
5. Truck drivers hauling material from a pit which is designated by the prime contractor and not considered a commercial pit/source.
6. Truck drivers hauling materials between a pit/source (hotplant, concrete batch plant, materials source, etc.) which is considered part of the site of work.

Examples of when prevailing wage is not required:

1. Truck drivers working away from the site of work.
2. Truck drivers making deliveries away from the site of work.
3. Truck drivers loading and/or unloading materials and supplies (guardrail, pipe, signs, barrier rail, equipment, steel, etc.) at the site of work.
4. Truck drivers hauling materials between a commercial pit/source (hotplant, concrete batch plant, materials source, etc.) and the site of work.
5. Truck drivers hauling material from a commercial pit/source that has been designated by the prime contractor.
6. Truck drivers hauling from a portable plant set up in a commercial pit/source.
7. Truck drivers transporting material, supplies, tools, etc. from a facility away from the site of work to the site of work.

Depending on the county, Nevada state prevailing wages are listed differently for trucking by the Office of the Labor Commissioner. Prevailing wages and how they are shown (one truck driver classification, group classifications or individual classifications) may also vary from year to year for the same county. **"TRUCK DRIVER" - includes but is not limited to:** *Driving a tractor trailer combination or a truck to transport goods or materials at the site of a public work or between sites of a public work. (Also, see descriptions listed with Truck Driver rates, if any).*

In summary, the term "Truck Driver" includes but is not limited to: Dump trucks all sizes, trucks and trailers in any combination, drivers of trucks (legal payload all capacities), dumpcretes, bulk cement spreaders, transit mix trucks with or without boom, water and jetting trucks, bus and manhaul drivers, winch truck and "A" frame drivers, boot trucks, flat rack trucks, truck and equipment greaser, water and fuel truck drivers, pickup driver, pilot car driver, service station attendant, teamster equipment (highest rate paid for dual craft operation), warehousemen, drivers of busses, gas and oil pipeline working truck drivers, dumpster trucks, forklifts, ross carriers, tireman, all off-road equipment, truck repairman,

transport drivers, road oil spreaders, euclid-type equipment Letourneau pulls, terra cobras and similar types of equipment, PB and similar type trucks when performing work within the teamster jurisdiction, regardless of types of attachment, including power units pulling off-highway belly dumps in tandem.

Trucking Owner/Operators

Prior to any owner/operator working on the project, an SSPR must be completed according to Section 2 of the CCM.

If the owner/operator work is subject to prevailing wage, and once the owner/operator begins working on the project, a payroll or non-performance payroll (if applicable) must be entered for each calendar week and must continue with a weekly submission until the last payroll is marked as "Final."

Each **trucking owner operator's** payroll must include:

1. Work Classification
2. Check No. - enter "N/A" (this is a required field in LCPtracker)

"Owner Operator" must appear in the Name or Work Classification column for all owner operators. The "Owner Operator" box must be checked in the employee record under the Admin tab in LCPtracker for "Owner Operator" to be automatically generated on the payroll.

No other information is required on the certified payroll for owner operators.

Owner operators must submit their own reports in LCPtracker, and there should not be more than one owner operator on any payroll. If two owner operators are co-owners of a company, the owner operators/co-owners may be shown on the same payroll as "Owner Operators" if there are no other employees shown. If additional employees are shown on the payroll, the owner operators/co-owners must be shown as employees of the company and not "Owner Operators." Contract or temporary employees cannot be listed as owner/operators. Only those that own, register and insure their own trucks, are listed as a lower tier on the project, and have a valid State of Nevada business license, may be listed as an owner/operator. Trucking brokers may not list owner/operators as employees of the brokerage.

When an owner operator hires other employees, he/she must be shown as an employee of the company and not an "Owner Operator".

A fringe benefit statement is required for all owner operators; however, N/A or zeroes may be indicated.

Employee Interviews

Employee interviews are required on all contracts (Federal-Aid or State funded). The prime contractor and subcontractors must make employees available for interviews on the project during work hours.

The NDOT RE, or designee, will conduct random on-the-job interviews with several employees of the prime contractor and subcontractors each month. These interviews will

be conducted in such a manner as to interview most employees during the life of the contract. On contracts of shorter duration, interviews may be done more frequently in order to interview employees when they are on the project.

All employees working on the project must be made available for an interview at the interviewer's request; however, the employee's participation is voluntary. The interview will be recorded on a standard form and submitted for further processing by the NDOT field office and Contract Compliance.

If the employee chooses not to participate, the Employee's Name, the Employer's Name and a note on the form that employee chose not to participate will be entered on the form. The interviewer may provide a Wage Complaint Card to any employee choosing not to participate in an interview. No further information or review is required.

Employee interviews usually take 5 minutes or less, and Interviewers will make every effort not to impede progress of construction.

Any discrepancies will be investigated, and Contract Compliance will take additional action if necessary.

LCPtracker

LCPtracker is the electronic system currently being utilized by NDOT for certified payroll reporting as required in subsection 110.01 of the Standard Specifications and as modified in the Contract Special Provisions.

Each prime contractor and subcontractor, regardless of tier, has the responsibility to administer individual access rights, for each contract assigned to them in LCPtracker.

For each contract, NDOT Contract Compliance assigns the contract, the prime contractor and the appropriate prevailing wages in LCPtracker. Each wage file includes base rate, fringes and zone pay (if applicable). LCPtracker will not allow the contractor to certify their payroll if less than prevailing wage is paid for all employees excluding apprentices and owner operators. Validations and warnings are activated in LCPtracker to assist the contractor with compliance.

The prime contractor pays an annual fee to LCPtracker for each contract (see subsection 110.01 of the Standard Specifications and as modified in the Contract Special Provisions). Subsequent subcontractors are not charged a fee for the same contract.

As soon as an SSPR is completed in DocuSign: 1) the prime contractor should assign their subcontractors in LCPtracker, and 2) all subcontractors should assign their lower tier subcontractors.

As each company is approved by NDOT Contract Compliance in B2GNow, companies subject to prevailing wage, will be approved in LCPtracker. If the companies have not assigned their lower tiers in LCPtracker, NDOT Contract Compliance will not be able to apply approval and the system will not be available to input Certified Payroll Reports (CPRs).

Once a prime contractor or subcontractor begins working on the contract, a payroll or non-performance payroll must be entered for each calendar week and must continue with a

weekly submission until the last entry is marked "Final" (see Section 3 –Certified Payroll Reports).

Access LCPtracker at <https://prod.lcptracker.net/>. For directions, tutorials and training, navigate the "Training Materials" tab in LCPtracker.

Records Retention

All contractors, subcontractors and service providers are subject to the [Records Retention and Disposition Schedule](#) adopted by the Department. Records must be maintained for seven (7) years from the date of final payment by the Department to the prime contractor.

Section 4 – Equal Employment Opportunity (EEO)

NDOT is committed to safeguard the freedom from discrimination on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin and to ensure fair and equitable treatment in the workplace in the delivery of all NDOT projects.

Authorities

41 CFR Part 60

23 USC 140

The Rehabilitation Act of 1973, as amended (29 USC 794)

Title VI of the Civil Rights Act of 1964, as amended, including related regulations including:

49 CFR Parts 21, 26 and 27; and

23 CFR Parts 200, 230 and 633

NRS 613

Nevada Executive Order 2019-2

FHWA Form 1273, Section II (Note: there are additional regulations listed in Section II with which all contractors and subcontractors must comply. The Authorities listed above are those designated as the responsibility of the Department to ensure compliance).

Jobsite Bulletin Boards

23 CFR 230.121

41 CFR 60 4.3

NRS 338.020

Executive Order 13166, and the EEOC Language Access Plan (Provide “Vital Documents” in English and Spanish)

Section 110.01 of the Standard Specifications for Road and Bridge Construction (and as modified by the Contract Special Provisions)

Contractor Requirements

All contractors, subcontractors and service providers must establish and implement certain minimum provisions pertaining to nondiscrimination, Equal Employment Opportunity (EEO) and Affirmative Action.

Written EEO Policy and Procedure

A policy statement (an example is included in Section 8) must be adopted by the company which at a minimum includes the statement in FHWA 1273, Section II.1.b.

Procedures must be developed to address provisions 1 through 11 from Section II of Form FHWA 1273 and Nevada Executive Order 2019-2.

Selection and Announcement of EEO Officer

Each company must designate “...an EEO officer who will have the responsibility for and must be capable of effectively administering and promoting an active EEO program and who must be assigned adequate authority and responsibility to do so.” FHWA 1273, Section II.2.

The EEO officer will be communicated to NDOT via the Memorandum of Record, at, or before the pre-construction conference. Any change in the EEO officer must be sent to NDOT Contract Compliance as soon as practicable, but no later than 15 days from resignation/appointment.

Dissemination of EEO Policy and Procedure

Supervisory and Personnel Staff: All supervisory staff and any staff substantially involved in personnel actions must be conversant in the company's EEO policy and procedure. At a minimum supervisory and personnel staff must be educated on EEO policy and procedure by the EEO Officer at onboarding, and periodically thereafter but no less than every 6 months. Major topics for Supervisor/Personnel Staff training should include, but is not limited to, EEO policy, identification of EEO officer, discrimination/harassment compliant procedures and escalation processes, workforce diversity and recruitment, encouraging minority and female applicants, training and promotion opportunities and their EEO requirements, documentation of personnel actions, performance evaluations, wages and the use of project site postings to disseminate EEO policy and procedure.

Employees: Employees should be instructed on the EEO policy and procedure at onboarding, and periodically thereafter. Because construction in Nevada can be seasonal in nature, every effort should be made to train employees at the beginning of each season, and then have periodic training during peak employment to ensure all employees are aware of the company's EEO policy and procedure, and the EEO officer is known. Other topics should include, but are not limited to, complaint procedures, postings of EEO posters and policies, referral of minority and females for employment and the processes to do so, and training and promotion opportunities.

Reporting and Record Keeping

Contractors should keep such records to document compliance with EEO requirements. At a minimum, sufficient records must be maintained to comply with document requests for a Comprehensive Compliance Review (see Section 6). Additionally, a log must be kept of all complaints/claims of discrimination or harassment, regardless of merit (see Complaint Procedures on page 4-4).

Project EEO Officer

Although not required, a project EEO Officer may be appointed. A project EEO officer must meet many of the same requirements as a Company EEO Officer and should "...have the responsibility for and must be capable of effectively administering and promoting an active EEO program..." FHWA 1273, Section II.2. A Project EEO Officer should report to the Company EEO Officer in matters of EEO.

If a project EEO Officer is appointed, distinct procedures must be in place for the handling of EEO issues and complaints; delineating responsibilities between the Company and Project EEO Officers; and a clear escalation process must be defined between the Project EEO Officer and the Company EEO Officer.

Jobsite Bulletin Board

The prime contractor is responsible for providing a weatherproof bulletin board or fixture to display EEO policy information, wage decisions, required State and Federal postings and information on various employee rights, protections and appeals. The bulletin board must be located within the limits of the project, easily visible to the public and employees, and be accessible during construction of the project (installed on or before the notice to proceed date and removed at construction completion).

Some projects do not lend themselves to a stationary bulletin board as the project limits are extensive and/or the project moves frequently. In such cases, alternative methods of posting must be determined. The alternative posting method must still meet the requirements of a stationary fixture as above.

The bulletin board or fixture cannot be located inside an office, construction trailer, or in a vehicle. Please consult with the project Resident Engineer or with the Contract Compliance office to assist in determining if a fixture will meet the requirements stated.

State and Federal postings and notices must be posted in both English and Spanish. Spanish language posters are available from the links listed below.

Required Postings:

1. The EEO policy statement with the appointment of the EEO officer with their contact information.
2. Prevailing Wage Rates (both State and Federal) specific to the project.
3. Current Federal postings and notices found here:
<https://www.fhwa.dot.gov/programadmin/contracts/poster.cfm>
4. Current State postings and notices can be found here:
http://labor.nv.gov/Employer/Employer_Posters/
5. A List of Emergency services phone numbers. If the project is in a 911 accessible area, post a notice that 911 should be called in an emergency.

Reasonable Representation

Contractors should strive for reasonable representation and utilization of minorities and women in each craft, and will have policy and procedure for recruitment, hiring, upgrading and training of minorities and women.

At the time of peak employment, as indicated by the prime on the Memorandum of Record at or before the pre-construction meeting, Contract Compliance will review the Certified Payroll Reports to determine if female and minority participation indicates reasonable representation and sufficient participation in Affirmative Action Goals.

If the contract is a Federal-aid project and is subject to Form FHWA 1391, the form FHWA 1391 will take the place of the review at time of peak employment.

To assist with EEO reporting, NDOT requires employers to list, for their employees, a designation of race, ethnicity, color or national origin, and a Male/Female identifier on each weekly Certified Payroll Report.

For standardization purposes NDOT has established the following identifications:

White/Caucasian: Persons having origins in Europe, North Africa or the Middle East.

Black/African American (except Hispanic): Persons having origins in any of the Black racial groups of Africa.

Native American - American Indian or Alaskan Native: Persons having origins in any of the original peoples of North America and who maintain their culture through a tribe or community.

Hawaiian or other Pacific Islander: Persons having origins in the original peoples of Hawaii or other Pacific Islands.

Asian: Persons having origins in any of the peoples of the Far East, Southeast Asia, or India.

Hispanic Americans: Persons of Mexican, Puerto Rican, Cuban, Central or South America, or other Spanish culture or origin, regardless of race.

Two or More Races: Persons who identify with two or more designations listed above, or other persons protected from employment discrimination by EEO law, based on race, ethnicity, color or national origin, not otherwise defined.

Not Specified: Only for persons who choose not to list their race, ethnicity, color or national origin.

Complaint Procedures

All supervisory personnel should be well versed in the company's procedures for documenting, escalating (if applicable), investigating, and resolving complaints of discrimination or harassment.

All complaints received, regardless of merit should be documented, and brought to the attention of the project Resident Engineer, and a copy of the complaint documentation (log) sent to the Department's Contract Compliance Manager. The log should, at a minimum, have the following information: date of complaint; date of alleged incident; brief description of the allegation; the complainant's name; the individual/company complained about, names of any witnesses; the name of company official(s) investigating the claim; the determination; and a description of action taken, if applicable.

All complainants should be made aware of their avenues of reporting and appeal, both within the company, within the State of Nevada and within the Federal government.

Reporting/Appeal Options

1. Nevada Department of Transportation, External Civil Rights Division

Northern Nevada	Southern Nevada
1273 South Stewart Street	123 E Washington Avenue
Suite 108	Suite G
Carson City, Nevada 89712	Las Vegas, Nevada

Telephone (for both locations): 775-888-7497, option 0 and ask for the Contract Compliance Manager/Assistant Manager or the Title VI Manager/Assistant Manager

e-mail (for both locations): contractcomplianceprojects@dot.nv.gov

2. Nevada Equal Rights Commission

Northern Nevada

1325 Corporate Boulevard

Suite 115

Reno, NV 89502

775-823-6690

Website: <http://detr.state.nv.us/nerc.htm>

Southern Nevada

1820 East Sahara Avenue

Suite 314

Las Vegas, Nevada, 89104

702-486-7161

3. U.S. Equal Employment Opportunity Commission

Nevada Office

333 Las Vegas Boulevard South

Suite 5560

Las Vegas, Nevada, 89101

800-669-4000

Website: <https://www.eeoc.gov/>

Records Retention

All contractors, subcontractors and service providers are subject to the [Records Retention and Disposition Schedule](#) adopted by the Department. Records must be maintained for seven (7) years from the date of final payment by the Department to the prime contractor.

Section 5 – DBE or SBE Program Compliance – *Commitments, Participation and Commercially Useful Function (CUF)*

This chapter will concentrate on compliance with the NDOT DBE or SBE Program. For additional information about the program, please refer to the *NDOT Disadvantaged Business Enterprise (DBE) Contractor's Handbook*.

Authorities

DBE or SBE

23 U.S.C. 140 – Nondiscrimination

23 CFR 200

23 CFR 230, Subpart B

49 CFR 21

49 CFR 23

49 CFR 26

NRS 408.3872 to 408.38728 inclusive

Sections 102, 103, and 108 - NDOT Standard Specifications for Road and Bridge Construction (and as modified by the Contract Special Provisions)

Participation and CUF

49 CFR 26

NRS 408.3872 to 408.38728

102.16- NDOT Standard Specifications for Road and Bridge Construction (and as modified by the Contract Special Provisions)

DBE Trucking Credit Worksheet

102.16- NDOT Standard Specifications for Road and Bridge Construction (and as modified by the Contract Special Provisions)

Additional References

[*NDOT Disadvantaged Business Enterprise Contractor's Handbook*](#)

DBE Participation and Utilization

All parties to an NDOT project (prime contractor and any subcontractors with DBE or SBE commitments) are required to submit, report and maintain information on DBE or SBE participation and utilization.

Initial Submission

All NDOT projects are subject to DBE or SBE goals in various phases, preliminary engineering, right-of-way and construction. For the construction contract (all methods of delivery) a DBE or SBE goal may be set regardless of funding, Federal-aid or State.

DBE or SBE goals for the construction phase of a project will require submission of planned DBE or SBE participation. At bid (or submission of a proposal for some alternative delivery methods) the prime bidder will submit anticipated DBE or SBE commitments via the Enterprise Subcontractor Report, and additional required documents uploaded in the electronic bidding system. If a DBE or SBE will subcontract any of the work to a non-DBE

or SBE firm, the amount subcontracted should be offset in the DBE or SBE bid in the electronic bidding system.

See the [NDOT Disadvantaged Business Enterprise Contractor's Handbook](#) for information on submitting Good Faith Efforts (GFE) if unable to meet the DBE or SBE project goal at time of bid.

Once a contract is awarded, the project committed goal will be based on these initial submissions. The initial contract goal set before bidding will no longer be the presiding goal, other than as a reference to the race-conscious portion of the project commitment.

Commitments

At award, the project moves from a DBE or SBE project goal, to DBE or SBE committed goals. There are two governing types of commitments for which the Prime Contractor is responsible: The project committed goal and individual commitments to DBE vendors.

Should either commitment fall short, a Good Faith Effort (GFE) must be documented and submitted to the NDOT RE. Additional information on GFE is listed below.

Utilization

DBE or SBE utilization will be tracked through B2GNow. All DBEs, including DBE suppliers, should be entered as *Counted Towards the Certified Goal* with the appropriate *Type of Participation* listed, even if the DBE is not being used for goal attainment or not listed at time of bid.

As payments are reported in B2GNow the utilization of each DBE or SBE will be added to the contract participation and reflected in the utilization information and reports in B2GNow. If payments are subsequently made to a lower tier, non-DBE or SBE entities, those payments will be subtracted from the participation amounts.

DBEs or SBEs should be entered as early as possible in B2GNow with estimated start dates. This will allow the NDOT RE to have a full understanding of the utilization plan. If all information is not submitted timely into B2GNow, the NDOT RE may request a DBE or SBE utilization plan from the prime contractor.

Participation (Counting Credit)

Please refer to section 102.16- NDOT Standard Specifications for Road and Bridge Construction (and as modified by the Contract Special Provisions) and the [NDOT Disadvantaged Business Enterprise Contractor's Handbook](#), for specific information on how participation is counted on a contract.

Commercially Useful Function

A Disadvantaged Business Enterprise (DBE) must perform a CUF for the work/service to be counted toward the attainment of the DBE goal. A DBE is performing a CUF, according to 49 CFR, §26.55, subparagraph (c)(1), when it is:

"...responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price,

determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself.”

A CUF form, will be prepared by the NDOT RE, Contract Compliance or designee, for each DBE or SBE, working on, or supplying materials to, a construction contract, **State and Federal-Aid**, which is being counted towards DBE or SBE participation. This includes prime contractors, subcontractors, service providers, owner operators, truckers, suppliers and manufacturers. The CUF review should be conducted when the DBE first begins work. If a DBE has a gap in service (e.g. performs work at the beginning of the contract, and at the end of the contract with a gap of time in between) a CUF review should be completed each time the DBE begins work. For contracts which are over 120 working days, cover more than one construction season, or are multi-year contracts, the CUF review must be completed at the beginning of the work and periodically throughout the work on the contract (at least every 120 working days). If the DBE is performing more than one operation of work (electrical, guardrail, pipe work, etc.), then a separate CUF review will be required for each type of work.

Completed CUF review forms will be uploaded to the B2GNow contract file by contract compliance.

If a DBE or SBE is not performing a commercially useful function, Contract Compliance will notify the prime contractor in writing, specifying those actions which violate the terms of the contract.

Contract Compliance will investigate any non-performing DBE or SBE to determine if their job performance contains a pattern of relationships with non-minority businesses that brings the firm's independence and control, and therefore its eligibility to participate in the DBE Program, into question. Payments listed in B2GNow may be negatively offset if a CUF cannot be determined.

DBE or SBE Trucking

DBE or SBE Trucking Firms, if being counted towards the goal, must submit, and keep current, the DBE or SBE Trucking Credit Worksheet, for each contract. The worksheet must be submitted to the Resident Engineer and forwarded to Contract Compliance before the SSPR is submitted for approval and updated as needed throughout the life of the contract. The Resident Engineer, or designee, when performing a CUF review, should review the DBE or SBE Trucking Credit Worksheet to ensure all trucks being counted for DBE/SBE credit are listed in the worksheet.

Completed DBE or SBE Trucking Credit Worksheets will be uploaded into B2GNow by Contract Compliance.

Change Orders

If there are changes to the scope of the work or change in bid items which will impact the final contract value, or the value of the commitment to an individual DBE or SBE, the prime contractor will need to adjust DBE or SBE commitments accordingly.

If there is an increase in the contract value, the prime contractor must ensure that it has obtained sufficient DBE participation to meet the contract committed goal on the final

contract value. If the prime contractor determines that additional DBE or SBE participation cannot be obtained, the prime contractor shall provide GFE documentation to the Resident Engineer and Contract Compliance.

If there is a reduction in the contract value, the prime contractor must ensure the commitment to each individual DBE or SBE will be met or provide GFE documentation to the RE and Contract Compliance.

Additional information can be found in the [NDOT Disadvantaged Business Enterprise Contractor's Handbook](#).

Termination/Substitution of a DBE or SBE

Please refer to the [NDOT Disadvantaged Business Enterprise Contractor's Handbook](#) for additional information on terminating or substituting a DBE or SBE. Once the termination/substitution procedures are followed, a new SSPR (See Section 2) should be submitted for any new DBE or SBE.

Good Faith Efforts (GFE)

If a prime contractor does not meet the DBE or SBE commitments, detailed documentation of the steps taken to meet the DBE or SBE commitments must be submitted by the prime. The steps must have been **aggressive and designed to meet the goal**. The Contract Compliance staff will evaluate information submitted by the prime contractor to determine what efforts were made, when they were made, and how intensely those efforts were undertaken. If Contract Compliance does not accept the GFE, the documentation will automatically be forwarded the NDOT External Civil Rights DBE staff for evaluation.

GFE documentation may include but is not limited to whether the prime contractor:

1. solicited DBEs or SBEs through all reasonable and available means, allowing adequate time for response, and following up on initial solicitations;
2. selected additional portions of work to be performed by DBEs or SBEs in order to increase the likelihood of meeting the DBE or SBE commitment;
3. negotiated in good faith with the contracted DBEs or SBEs;
4. did not reject additional DBEs or SBES as unqualified without sound reasons based on a thorough investigation of their capabilities.

If the GFE documentation is found to be insufficient (by both Contract Compliance and the DBE staff), the prime contractor will be notified their GFE has been rejected and state the reason(s) for the rejection, in writing, and offer the prime contractor an opportunity for administrative reconsideration by providing written documentation or requesting an oral hearing.

If the prime contractor fails to respond within five (5) days from the date of the rejection, Department procedures will be invoked to assess penalties or forfeitures as prescribed.

If the prime contractor requests reconsideration, a meeting will be scheduled with a reconsideration official (who was not involved in the original decision) knowledgeable of the DBE program at a time and place convenient for both participants.

The reconsideration official will advise the bidder in writing of his/her decision within ten (10) working days of the meeting. If the re-consideration official determines that good faith

effort was not made, the letter will state the reasons for that decision. The decision of the reconsideration official is administratively final.

For additional information on GFE, Please refer to the [NDOT Disadvantaged Business Enterprise Contractor's Handbook](#)

Records Retention

All contractors, subcontractors and service providers are subject to the [Records Retention and Disposition Schedule](#) adopted by the Department. Records must be maintained for seven (7) years from the date of final payment by the Department to the prime contractor.

Section 6 – On-the-Job Training (OJT) Program (Federal-Aid Projects) and Apprenticeship Utilization Act

Authorities

OJT

23 CFR 230, Subpart A

Form FHWA 1273, Section II

110.03 - NDOT Standard Specifications for Road and Bridge Construction (and as modified by the Contract Special Provisions)

Apprenticeship Utilization

Apprenticeship Utilization Act, 2019

102.03 and 110.03 - NDOT Standard Specifications for Road and Bridge Construction (and as modified by the Contract Special Provisions)

OJT Program (for Federal-Aid Contracts Only)

The intent of the OJT program is to increase diversity in the highway construction workforce by "...locating, qualifying and increasing the skills of minorities and women..." (FHWA 1273, Section II.6.a).

OJT goals are considered for all Federal-aid contracts estimated to be over \$1 million dollars and of sufficient duration (at least 120 working days) to support training objectives. OJT goals are set by the OJT coordinator and reflect project specific training opportunities within the crafts. NDOT does not require a set number of trainees, but instead sets a goal for the number of training hours required on a project. However, NDOT recommends no less than 200 hours be given to each trainee or apprentice to achieve the program objectives and provide sufficient accumulation of work experience to advance the trainee/apprentice in their specific training program.

Not all trainees or apprentices are required to be minorities or women, but on projects where minorities or women are not reasonably represented in the crafts, minorities and women should make up the majority of trainees or apprentices.

Apprenticeship Utilization Act

Section 1.3 of the Apprenticeship Utilization Act declares that: "(1) a skilled workforce in construction is essential to the economic well-being of this state; (2) Apprenticeship Programs are a proven method of training a skilled workforce in construction; and (3) requiring the use of apprentices on the construction of public works will ensure the availability of a skilled workforce in construction in the future for this State."

"A contractor or subcontractor employing a worker as defined in NRS338.040...shall use one or more apprentices for at least 10% of the total work hours on vertical construction and 3% of the total hours for horizontal construction of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work when more than three employees of each craft are employed at the site of work."

For projects which have both vertical and horizontal construction, percentages will be determined by the predominant (highest dollar value) type of construction. For example, a warehouse building (vertical) with a parking lot (horizontal) would be subject to 10% apprenticeship utilization.

1. **Before bid-opening** the prime bidder must upload a completed Project Workforce Checklist, provided by the Department, into the Department's electronic bidding system (iCX), in the Good Faith Effort Document section.
2. **By 5:00 pm the next business day following bid-opening**, the apparent 3 lowest bidders must upload a completed Project Workforce Checklist for all named (used) subcontractors into the Department's electronic bidding system (iCX), in the Good Faith Effort Document section.
3. **Once Bid-opening is complete**, the apparent low bidder should immediately request apprentices from a [Nevada Registered Apprenticeship Program](#), and direct their subcontractors to do so. An [Apprenticeship Utilization Request Form](#) may be obtained from the Nevada Office of the Labor Commissioner (sample included in section 8).
4. **Within 10 days of bid-opening**, the apparent low bidder must send NDOT's Request for Waiver for the prime bidder and all named (used) subcontractors. Supporting documentation, for any waivers needed, must be included with the form. Waiver documentation can be sent via email, fax or delivered to the Department's Contract Compliance Office. A request for waiver (for cause) can be submitted if:
 - a. No Registered Apprentice Programs exist for the craft/type of work required by the project; or
 - b. A request for Apprentices was denied, or not acted upon within 5 business days of submission; or
 - c. The project requires the performance of uniquely complex or hazardous work.

Submit waiver documentation to:

Email: contractcomplianceprojects@dot.nv.gov; or

Fax: 775-888-7235; or

Delivery: Nevada Department of Transportation
Contract Compliance Office, Room 108
1263 S. Stewart Street
Carson City, NV 89712

Failure to submit any of the subcontractor or workforce/apprentice utilization forms described above, with all required information, within the required time, may deem the bid non-responsive.

After contract award, the prime must:

1. submit a Project Workforce Checklist via email to contractcomplianceprojects@dot.nv.gov, for all subcontractors not previously submitted.
2. submit via email to contractcomplianceprojects@dot.nv.gov, supporting documentation for a waiver, if needed.

3. if needed, update Project Workforce Checklists, and request additional waivers by contacting the Contract Compliance Manager at contractcomplianceprojects@dot.nv.gov, or 775-888-7497.

All subcontractor Project Workforce Checklists must be received prior to submission of the SSPR. If a waiver is required, documentation should be submitted 10 days prior to approval of the SSPR.

Compliance and Reporting

OJT

Goal attainment and force account payment will be monitored by the Resident Engineer and reflected in the pay estimates and payment reports. Goal attainment may be partially fulfilled by subcontractors if training hours, fulfilled by the prime contractor, are equal to the self-performance percentage set for the project.

Additional Compliance Requirements:

1. Credit will be allowed for each trainee or apprentice enrolled in an approved Apprentice Program, or a Trainee Program recognized and approved by the Department and FHWA.
2. Reporting on the progression, or graduation to journeyman status, of each Apprentice or Trainee approved on the project is required. Progression reporting shall be sent quarterly to the Resident Engineer and Contract Compliance office, with a final progression report submitted at substantial construction completion. The OJT reporting schedule will be determined at the Pre-Construction meeting.
3. Offsite training is permissible as long as the training is an integral part of an approved Training/Apprentice program and does not comprise a substantial part of the overall training. Credit will only be given for offsite training if wages are paid to the Trainee/Apprentice and recorded in the weekly Certified Payroll Reports.
4. To ensure overall growth of the workforce, and to meet the objectives of the OJT program, 25% of Trainees/Apprentices must be in their first year (or first phase) of their training program.
5. Trainees/Apprentices must be paid the prevailing wage of a journeyman unless a lower percentage is part of an approved Training/Apprentice Program and verified by the Nevada Governor's Office of Workforce Innovation (see Section 3).

Apprenticeship Utilization

See Section 3 for Apprentice Verification on payroll

Goal attainment will be monitored by Contract Compliance with assistance from the NDOT Resident Engineer and Field Crews. Please see Section 3 - Certified Payroll Reports (CPRs) and Labor Compliance, for additional information on qualifying and reporting apprentices/trainees on CPRs.

Records Retention

All contractors, subcontractors and service providers are subject to the [Records Retention and Disposition Schedule](#) adopted by the Department. Records must be maintained for seven (7) years from the date of final payment by the Department to the prime contractor.

Section 7 – Comprehensive Compliance Review (for Federal-aid projects only)

As a recipient of Federal-Aid highway funds, the Nevada Department of Transportation (NDOT) is required to provide a system to ascertain whether contractors and subcontractors are complying with Federal contract provisions outlined in FHWA Form-1273, and to take prompt corrective action in the event of non-compliance. Along with other compliance monitoring activities, NDOT will perform comprehensive compliance reviews.

This CCM provides the procedural basis for the [Comprehensive Compliance Review Plan](#), submitted annually to the FHWA.

Authorities

23 CFR 230.409
FHWA Form-1273

Types of Comprehensive Compliance Reviews

NDOT performs two types of Comprehensive Compliance Reviews: project-based and contractor-based. Project-based reviews are based on a single project, looking at both the prime contractor and all subcontractors on the project. Contractor reviews look at a single contractor on all contracts in a District, an area or statewide.

NDOT may also participate or partner in reviews or audits conducted by the Federal Highway Administration (FHWA), or the Office of Federal Contract Compliance Programs (OFCCP) of the United States Department of Labor (USDOL).

Project Selection Criteria

1. A major, Federal-aid project (equal to or greater than \$10 million, and a minimum of 120 working days) and which include special training provisions (OJT goal).
2. Projects where Equal Employment Opportunity requirements may be in question.
3. At the Request of the FHWA or other governing body.

Contractor Selection Criteria

1. A contractor with 2 or more Federal-aid projects in a fiscal year, total of which is greater than \$10 million, and at least 1 project having special training provisions (OJT goal).
2. Projects where Equal Employment Opportunity requirements may be in question.
3. At the Request of the FHWA or other governing body.

Notification

When a project or contractor is selected for review, the contractor will be notified in writing via DocuSign with a copy sent via certified mail. The notification will include a questionnaire for the contractor to complete, and a list of supporting documents required.

Depending on the scope of the review, the contractor will have no fewer than 15, and no more than 30, calendar days to respond.

Desk Audit

NDOT compliance personnel will analyze the documentation submitted to make a preliminary determination of compliance with certain provisions of Form FHWA-1273. The compliance office may request additional information or clarification of the contractor's activities or documents during the desk audit.

On-Site Review

After the completion of the desk audit (within 30 days of receipt of requested documentation), an on-site review will be scheduled. The scope of the on-site review will include:

1. an Entrance Conference with the project/contractor EEO officer, project manager, and other representatives;
2. a review of records and EEO documents;
3. confidential employee interviews;
4. physical tour of the project site(s);
5. subcontractor reviews; and
6. an Exit Conference which will include:
 - a. a discussion of preliminary findings from the desk audit and site visit(s);
 - b. for any minor deficiencies found, and not corrected immediately, the negotiation of a Voluntary Corrective Action Plan (VCAP) to correct the deficiencies; and
 - c. the process and timing for a final determination and how the contractor will be notified.

Corrective Action

Voluntary Corrective Action Plan (VCAP)

A VCAP is used to address minor deficiencies and includes steps submitted by the contractor (or negotiated at the Exit Conference) to correct a deficiency and must include:

1. specific actions the contractor will take;
2. deadline for correcting each deficiency; and
3. an implementation report submitted to NDOT with supporting documentation.

When the deficiencies are remedied, NDOT will review and issue a determination on the VCAP.

Show Cause Notice

A Show Cause Notice is issued when major deficiencies exist (or a VCAP has not been completed) and will include:

1. an outline of the deficiencies and the requirements for correction;
2. direction to the contractor to correct any deficiencies or show cause, within 30 calendar days from receipt of the notice, why enforcement proceedings should not be instituted;
3. notice that if the contractor is not able to correct the deficiencies within 30 days, a Corrective Action Plan (CAP) must be submitted to NDOT; and

4. a conference date and time to discuss the CAP, and/or the remedies of any deficiencies.

Corrective Action Plan

The CAP is the contractor's written commitment to correct major deficiencies and must include:

1. actions to be taken to correct deficiencies;
2. specific deadlines for corrections; and
3. an implementation plan submitted to NDOT

When a CAP is agreed to by NDOT, or deficiencies are corrected, NDOT will rescind the show cause notice, informing the contractor of compliance status contingent upon execution of the CAP and the final acceptance of all corrections through a follow-up review to be scheduled at the conclusion of the CAP, or in 6 months' time, whichever is sooner.

Form FHWA-1273 Requirements:

NDOT Federal-Aid contracts are subject to all the requirements listed in FHWA-1273, however, a Comprehensive Compliance Review will concentrate on the following:

1. EEO policy and Affirmative Action standards
2. Discrimination Complaints
3. Dissemination of EEO policy
4. Recruitment
5. Personnel Actions
6. Non-Segregation of Facilities
7. Wage Evaluation
8. Davis-Bacon and Related Acts (DBRA)
9. Subcontractor Compliance
10. Records and Reports

Comprehensive reviews will also review DBE goal attainment and commercially useful functions (CUF) of DBEs

Records Retention

All contractors, subcontractors and service providers are subject to the [Records Retention and Disposition Schedule](#) adopted by the Department. Records must be maintained for seven (7) years from the date of final payment by the Department to the prime contractor.

Section 8 – Contacts, Links and Form Examples

Contacts

Contact information for current NDOT Compliance Staff, can be found here:
<https://www.nevadadot.com/doing-business/external-civil-rights/contract-compliance>
 775-888-7497

Federal Highway Administration, Nevada Division: <https://www.fhwa.dot.gov/nvdiv/>
 775-687-1204

Office of the Nevada Labor Commissioner: <http://labor.nv.gov/>
 Northern Nevada: 775-684-1890
 Southern Nevada: 702-486-2650

Nevada Equal Rights Commission: https://detr.nv.gov/Page/Equal_Rights_Commission
 Northern Nevada: 775-823-6690
 Southern Nevada: 702-486-7161

Nevada Governor’s Office of Workforce Innovation (Apprenticeship Council):
<http://owinn.nv.gov/Apprenticeship/Apprenticeship-Home/>
 702-486-8080

US Equal Employment Opportunity Commission: <https://www.eeoc.gov/>
 800-669-4000

USDOL Office of Federal Contract Compliance Programs (OFCCP): <https://www.dol.gov/ofccp/>
 800-397-6251

Links

B2GNow	https://ndot.dbesystem.com/
Federal Bulletin Board Postings	https://www.fhwa.dot.gov/programadmin/contracts/poster.cfm
LCPtracker	https://prod.lcptracker.net/
NDOT ADA Program	https://www.nevadadot.com/doing-business/external-civil-rights/dbe-program
NDOT Comprehensive Compliance Review Plan	https://www.nevadadot.com/doing-business/external-civil-rights/contract-compliance
NDOT Contract Compliance Program and Compliance Forms	https://www.nevadadot.com/doing-business/external-civil-rights/contract-compliance
NDOT DBE Program	https://www.nevadadot.com/doing-business/external-civil-rights/dbe-program
NDOT Standard Specifications for Road and Bridge Construction	https://www.nevadadot.com/doing-business/contractors-construction/contract-services/standard-specifications-and-plans
Nevada Registered Apprenticeship Programs	http://owinn.nv.gov/Apprenticeship/RegisteredApprenticeshipPrograms/

OLC Apprenticeship Utilization Act	http://labor.nv.gov/Apprenticeship_Utilization_Act/Apprenticeship_Utilization_Act/
State Bulletin Board Postings	http://labor.nv.gov/Employer/Employer_Posters/
State Prevailing Wage Decisions	http://labor.nv.gov/PrevailingWage/Public_Works___Prevailing_Wages/
USDOL Wage Decisions	https://wdolhome.sam.gov/

**STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
Subcontractor/Service Provider Request
Architecture**

NDOT Contract No: _____ Project Manager: _____ Date Requested: _____

Prime Contractor: _____ Funding: _____

Project Location/Description: _____

Agreement Type (select one): Subcontractor Service Provider Hauling/Trucking

Estimated Total Work Amount: _____ Est. Start Date: _____ Est. End Date: _____

Requester is Prime, or Requesting Company Name: _____

Sub/Service Provider Requested (Legal Business Name): _____

Sub/Service Provider Contact Name: _____ Telephone No.: _____

Sub/Service Provider Email Address: _____

NV State Business License No.: _____ Expiration Date: _____

NV Contractor License No(s): _____ License Limit: _____ Expiration Date: _____

Is the requested Subcontractor/Service Provider a Nevada Certified DBE or SBE? Yes No

Subject to Prevailing Wage? (select one): Yes No* Some, but not all, work is subject to Prevailing Wage.

If subject to Prevailing Wage, Certified Payroll Reports must be submitted through the LCPtracker system

Describe scope of work

attach additional information

*Enter detail on Page 2

If work is not subject to Prevailing Wage (answered "no" on page 1) please provide detail about the work and why it is not subject to Prevailing Wage:

The Prime Contractor and Subcontractor/Service Provider (all tiers), by signing below, acknowledge receipt of the Contract Provisions indicated. Each of the contract provisions are an enforceable part of the construction subcontract. Upon return of an **approved** SSPR, the Subcontractor/Service Provider may begin work on the project. Within 2 business days of starting work on the project, all Subcontractors/Service Providers must be listed in the B2GNow system, and subcontracts uploaded for all subcontractors by the Prime Contractor.

Inclusions for State Funded Projects

1. Labor Provisions: The Designated Hourly Minimum Wage Rates supplied by the Office of the Nevada Labor Commissioner
2. Additional Contract Provisions – Supplement to the Weekly Certified Payrolls
3. Subcontract Provisions: Nevada Revised Statutes
4. Postings and Notices Reference

Prime Authorized Signer	Authorized Signer for Requester (if other than Prime)	Authorized Signer for Requested Sub/Service Provider
Name	Name	Name
Date Signed	Date Signed	Date Signed

For NDOT Use Only

Reviewed _____

Recommended: _____
Project Manager
Date Signed

% Subject to Self-Performance: _____ % Subcontracted to Date (with this request): _____

\$ Subject to Self-Performance: _____ \$ Subcontracted to Date (with this request): _____

Approved: _____
Contract Compliance Officer
Date Signed

Approved with attached corrections.

**STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
Subcontractor/Service Provider Request
DesignBuild**

NDOT Contract No: _____ Resident Engineer: _____ Date Requested: _____

Prime Contractor: _____ Funding: _____

Project Location/Description: _____

Agreement Type (select one): Subcontractor Service Provider Hauling/Trucking

Estimated Total Work Amount: _____ Est. Start Date: _____ Est. End Date: _____

Requester is Prime, or Requesting Company Name: _____

Sub/Service Provider Requested (Legal Business Name): _____

Sub/Service Provider Contact Name: _____ Telephone No.: _____

Sub/Service Provider Email Address: _____

NV State Business License No.: _____ Expiration Date: _____

NV Contractor License No(s): _____ License Limit: _____ Expiration Date: _____

Is the requested Subcontractor/Service Provider a Nevada Certified DBE or SBE? Yes No

Subject to Prevailing Wage? (select one): Yes No* Some, but not all, work is subject to Prevailing Wage.

If subject to Prevailing Wage, Certified Payroll Reports must be submitted through the LCPtracker system

Describe Scope of Work

attach additional information

*Enter detail on Page 2

If work is not subject to Prevailing Wage (answered “no” on page 1) please provide detail about the work and why it is not subject to Prevailing Wage:

The Prime Contractor and Subcontractor/Service Provider (all tiers), by signing below, acknowledge receipt of the Contract Provisions indicated. Each of the contract provisions are an enforceable part of the construction subcontract. Upon return of an **approved** SSPR, the Subcontractor/Service Provider may begin work on the project. Within 2 business days of starting work on the project, all Subcontractors/Service Providers must be listed in the B2GNow system, and subcontracts uploaded for all subcontractors by the Prime Contractor.

Inclusions for Federal-Aid Projects

1. Form FHWA-1273: Required Contract Provisions Federal-Aid Construction Contracts
2. Labor Provisions: The Designated Hourly Minimum Wage Rates supplied by the United States Department of Labor and the Office of the Nevada Labor Commissioner
3. Certification on Restrictions on Lobbying Using Appropriated Federal Funds
4. Additional Contract Provisions – Supplement to the Weekly Certified Payrolls
5. Subcontract Provisions: Nevada Revised Statutes
6. If applicable, Additional Contract Provisions: Training Special Provisions
7. Postings and Notices Reference

Inclusions for State Funded Projects

1. Labor Provisions: The Designated Hourly Minimum Wage Rates supplied by the Office of the Nevada Labor Commissioner
2. Additional Contract Provisions – Supplement to the Weekly Certified Payrolls
3. Subcontract Provisions: Nevada Revised Statutes
4. Postings and Notices Reference

Prime Authorized Signer	Authorized Signer for Requester (if other than Prime)	Authorized Signer for Requested Sub/Service Provider
Name	Name	Name
Date Signed	Date Signed	Date Signed

For NDOT Use Only

Recommended: _____
Resident Engineer Date Signed

% Subject to Self-Performance: _____ % Subcontracted to Date (with this request): _____

\$ Subject to Self-Performance: _____ \$ Subcontracted to Date (with this request): _____

Approved: _____
Contract Compliance Officer Date Signed

Approved with attached corrections.

REQUEST FOR APPRENTICE VERIFICATION

To: Governor's Office of Workforce Innovation
 Nevada State Apprenticeship Council
 555 E. Washington Ave., Suite 4900
 Las Vegas, NV 89101
 (702) 486-8080

Requesting Contractor/Org: _____
 Requested By: _____
 Phone: _____
 Email Address: _____

When completed, email to:
Andres Feijoo ajfeijoo@gov.nv.gov

Date Requested: _____

APPRENTICE NAME	Rapids ID #	CRAFT	PROGRAM ADMINISTRATOR <small>(for example, Local 12)</small>	START DATE IN PRGM	CURRENT STATUS*

For Apprenticeship Council Use Only

Craft: _____ Ratio: _____ Apprentices per _____ Journeymen; thereafter _____ Apprentices per _____ Journeymen

Craft: _____ Ratio: _____ Apprentices per _____ Journeymen; thereafter _____ Apprentices per _____ Journeymen

Verified by: _____, Office of Workforce Innovation. Date: _____

*Status Codes: IN= Indentured/Registered into program; CAN= Canceled from program; SU= Suspended from training; COM= Completed Training/Graduated; REIN= Indentured after cancellation; RI= Reinstated after suspension; NF= Not Found

NOTE: Journeymen wages must be paid for time worked during canceled or suspended time periods or when required ratios are not met.



EMPLOYEE INTERVIEW
For Equal Employment Opportunity (EEO) and Labor Compliance Monitoring

Contract No. _____

Section 1: Employee Interview

Employee Name: _____ Supervisor: _____

Employer's Company Name: _____ Approx. Date Hired: _____

Classification (e.g. Laborer, Operating Engineer, Truck Driver, etc.): _____ Approx. Start on project: _____

Observed Work: _____

Does observed work match the classification and group noted? Yes No

Are you a member of a union? Yes No If yes, which union: _____

Are you an Apprentice? Yes No If yes, have you ever promoted in the program? Yes No Current Level? _____

Approximately how much do you make an hour? _____ Do you receive fringe benefits? Yes No

How often are you paid? _____ Approximately how many hours do you work a week? _____

Are you being paid time and a half for any overtime (over 8 hours per day and/or 40 per week)? Yes No

Are you aware of your employer's EEO policies (fair hiring and promotions, non-discrimination, etc.)? Yes No

Have you ever been to a meeting or training where EEO policies were discussed? Yes No

Do you know who the EEO officer is for this project? Yes No If, yes please name: _____

Have you seen the labor compliance and EEO posters on the project bulletin board? Yes No

Do you have any comments or questions about anything we have gone over today? Yes No If yes, please describe:

Employee chooses not to participate in the interview (complete employee name, supervisor and company fields only).

Interviewer (please print)

Signature

Date

Section 2: Crew Verification

Does the class/group, apprentice status and wage quoted by employee match to:

Contract prevailing wage? Yes No CPRs? Yes No Apprentice verification? Yes No N/A

If no, please explain: _____

Section 3: Resident Engineer (or designee) Verification – to be completed on every 5th interview.

Has this contractor/subcontractor had late or missing CPRs on this project? Yes No

Where is the project bulletin board set-up? _____

Is the project bulletin board accessible to all employees during all work hours? Yes No

Please confirm posting of the following documents (English and Spanish where noted):

- Contractors EEO policy statement ENG
- Contractor's letter appointing project EEO Officer ENG
- [Equal Employment Opportunity IS THE LAW](#) ENG SP
- [EEO is the Law Supplement](#) ENG SP
- [Employee Rights and Responsibilities Under the Family and Medical Leave Act \(FMLA\)](#) WHD1420 ENG SP
- [Employee Rights Under the Davis-Bacon Act](#) WH1321 ENG SP
- [Employee Rights under The Fair Labor Standards Act \(FSLA\)](#) WH-1088 ENG SP
- [Employee Polygraph Protection Act \(EPPA\)](#) WH-1462 ENG SP
- [Job Safety and Health IT'S THE LAW](#) OSHA 3156-04R ENG SP
- [Pay Transparency Nondiscrimination](#) ENG SP
- [Notice of Federal Aid Project](#) FHWA-1022 ENG SP
- [Your Rights under USERRA](#) ENG
- [NV Rules to Observed by Employers](#) ENG
- [NV Domestic Violence Victim's Bulletin](#) ENG SP
- [NV Notice of Limitations on Lie Detector Tests](#) ENG SP
- [NV Annual Minimum Wage Bulletin](#) ENG SP
- State Prevailing Wage ENG
- Federal Prevailing Wage ENG N/A

Has the RE or anyone on the Crew attended any meetings in which the contractor discussed EEO or labor compliance policies with their employees? Yes No

Are EEO and Labor Compliance issues discussed at the weekly meeting with the contractor (if needed)? Yes No

Additional comments on the contractor's EEO and Labor Compliance:

Resident Engineer (or designee, please print)

RE (or designee) Signature

Date

<COMPANY NAME>
Equal Employment Opportunity Policy (EEO)

<Company Name> is an equal opportunity employer and maintains a work environment free from unlawful discrimination or harassment.

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

All employees are encouraged to refer minority and female recruits for employment whenever hiring opportunities are available.

All employees are encouraged to request information on available training programs and the entrance requirements for each.

Any complaint of alleged discrimination or harassment by this company, its supervisors or employees, or any person or organization acting on behalf of this company should be reported immediately to the Project EEO officer listed below, or by following the company's complaint guidelines. The company will promptly investigate all complaints of alleged discrimination and will attempt to resolve such complaints. If investigation shows the complaint to be well founded, prompt and effective remedial action will be taken. The company assures that the complainant shall be protected from any form of retaliatory action.

Project EEO Officer: _____

Telephone: _____

Complaints may also be filed with the following agencies:

Equal Employment Opportunity Commission (EEOC)
(800) 669-4000

Nevada Equal Rights Commission (NERC)
Northern Nevada (775) 823-6690
Southern Nevada (702) 486-7161

EEO Officer Signature

President / CEO Signature

Address: _____

Telephone: _____



**Disadvantaged Business Enterprise (DBE) Program
Commercially Useful Function (CUF)
for DBE and SBE
Project Site Review**

A DBE/SBE is performing a CUF, according to 49 CFR, §26.55, subparagraph (c)(1) and (2), when it is "...responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE/SBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself...A DBE/SBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE/SBE participation."

Project Site CUF reviews will be performed for every DBE/SBE working on an NDOT construction project. The CUF review should be conducted when the DBE/SBE first begins work and then CUF is monitored throughout the life of the contract.

Contract #: _____ RE/PM: _____ Reviewer: _____

DBE/SBE: _____ Prime Contractor: _____

DBE/SBE Start Date: _____ DBE/SBE Anticipated End Date: _____

SCOPE OF WORK	Yes	No
Provide a brief description of the work observed:		
Does this match the work described in the SSPR (Subcontractor/Service Provider Request form)? If no, please explain:		
SUPERVISION	Yes	No
Does the DBE/SBE have a superintendent/foreman on the project? If yes, name:		
Does the superintendent/foreman work exclusively for the DBE/SBE? If no, who else do they work for?		
Name of the person to whom the superintendent/foreman reports:		
EMPLOYEES	Yes	No
Does the DBE/SBE have employees working on the project?		
Do the employees appear on the DBE's/SBE's certified payroll reports? If not, why not?		
Do the employees (also) appear on another company's certified payroll reports on this project?		
Who assigns work to the employees?		
PERFORMANCE	Yes	No
Has any other contractor performed any of the work assigned to the DBE/SBE? If yes, please list the company name and the work performed:		
EQUIPMENT	Yes	No
Does the DBE/SBE own/lease/subcontract for all the equipment used by the DBE/SBE on the project?		
Does the DBE/SBE use equipment from the prime or any other contractor (not subcontracted to the DBE/SBE)? If yes, who:		

Does it appear this DBE/SBE is performing a commercially useful function (see Determinants on page 2)? Yes No

Reviewer Signature Date Resident Engineer/Project Manager Signature Date

CUF DETERMINANTS

If any Red Flag Conditions are identified, or you do not believe the DBE/SBE is performing a CUF, please contact the Contract Compliance Office.

SUPERVISION/EMPLOYEES

- DBE/SBE supervisor is a full-time employee of the DBE/SBE
- Employees are being supervised by DBE/SBE supervisor
- Employees are paid by the DBE/SBE
- DBE/SBE is scheduling work operations

- **RED FLAGS**
 - DBE's employees are being supervised by Prime Contractor or another contractor
 - DBE/SBE provides little or no supervision of work
 - DBE/SBE supervisor is not a full-time employee of the DBE/SBE

RECORDS/DOCUMENTS

- Certified Payrolls
- Document communication with DBE/SBE owner or Superintendent

PERFORMING

- DBE/SBE must be responsible for performing its own work on the project
- The work of the subcontract must be performed by the DBE/SBE with its own workforce
- The DBE/SBE keeps a regular workforce and has its own employees
- The DBE/SBE is utilizing its own equipment
- Operation of the equipment must be subject to the full control of the DBE/SBE

RED FLAGS

- A portion of the DBE's work being done by the Prime Contractor or jointly with another contractor
- Employee working for both the Prime and the DBE/SBE
- Equipment used by DBE/SBE belongs to the Prime Contractor or another contractor with no formal lease agreement
- Equipment signs and markings cover another contractor's identity
- Equipment has another contractor's name on it

RECORDS/DOCUMENTS

- Subcontract Agreement or Purchase Order
- Equipment ownership, rental, or lease documents
- Certified payrolls

MATERIALS (For material credit)

- DBE/SBE is responsible for the delivery of the materials
- DBE/SBE is ordering the material and invoices indicate that DBE/SBE is the customer
- Material invoices indicate that DBE/SBE owner or Superintendent is the contact person

RED FLAGS

- Materials for DBE/SBE credited work are delivered by the Prime Contractor
- Materials are ordered, billed to, and/or paid by the Prime Contractor
- Invoices do not indicate that DBE/SBE is the customer
- Prime's employee is listed as the contact person on invoices
- Materials come from Prime's stockpiles

RECORDS/DOCUMENTS

- Invoices
- Haul tickets or Bills of Lading
- Material on Hand documentation
- Joint check agreement
- Cancelled checks



**Disadvantaged Business Enterprise (DBE) Program
Commercially Useful Function (CUF) Review for
DBE and SBE Material Supplier**

Contract No. _____

DBE/SBE Firm: _____ Prime: _____

1. Provide a description of the materials and/or supplies you are supplying on the project:

2. Are you providing materials/supplies to be used on the project to any other firm other than the Prime? Yes No
If yes, please list:

3. Who are the individuals responsible for the acquisition of materials and/or supplies and replacing orders with the supplier/manufacturer?

4. Are the individuals listed employees of your firm? Yes No

5. Please explain your firm's process for negotiating and obtaining prices for materials and supplies.

6. Please provide the names and contact telephone numbers for the supplier(s)/manufacturer(s) for whom you are receiving materials and supplies for this project (please provide recent invoices from each supplier/manufacturer listed):

7. Do you stock/inventory the materials required under contract as a normal part of your business? Yes No

8. Where is the material for this project coming from? Stock Stock and order Special order

9. Do you sell the same or similar materials/supplies on a retail basis? Yes No

10. For this project, how are the materials/supplies being delivered to the project site (please provide delivery tickets)?
 - Own equipment (list type of equipment on back)
 - Rented/leased equipment (list type of equipment on back)
 - Shipment from manufacturer
 - Delivery service/hauling company
 - Picked up by contractor/subcontractor

11. Is the price of delivery (if applicable to this project) included in the purchase price? Yes No N/A

12. Does it appear this DBE/SBE is performing a CUF? Yes No

Interviewer (please print)

Signature

Date



**Disadvantaged Business Enterprise (DBE) Program
Commercially Useful Function (CUF) for
DBE and SBE Professional and Scientific Services**

A DBE/SBE is performing a CUF, according to 49 CFR, §26.55, subparagraph (c)(1), when it is "...responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself."

Project ID or Contract #: _____ RE/PM: _____

Project Location: _____

DBE/SBE Company Name: _____ Interviewee: _____

WBE MBE SBE

Review Date: _____

Professional Services					
DBE/SBE Firm is performing what service?	Architecture	Construction Engineering	Design Engineering	Landscape Architecture	Private Consulting
	Real Estate Appraisal	ROW Acquisition	Surveying	Other (Describe):	

Scientific Services					
DBE/SBE Firm is performing what service?	Archeology	Biology	Cultural	Environmental Coordination	Geology
	Historian	NEPA Compliance	Other (Describe):		

Please provide a brief description of your scope of work? (Obtain a copy of the subcontract scope of work and submit with this form. Ensure firm's statement and scope of work from subcontract are comparable)

Performing	Yes	No
Does the DBE/SBE firm have the required expertise for the subcontracted work, and does it match the NAICS that are listed in B2G?		
Is the DBE/SBE managing the work without assistance from the prime or another subcontractor?		
Is the DBE/SBE subcontracting any portion of their scope of work to another subcontractor? If yes, list any firms subcontracted for any portion of the work:		DBE? Yes No

Managing	Yes	No
Is the DBE/SBE scheduling work activities and other related actions for performance of the work?		
Is the DBE/SBE managing the work it has been subcontracted to perform?		
Is the DBE/SBE submitting invoices and, if applicable, certified payroll? (Attach sample invoices/CPRs)		

Supervising	Yes	No
Does the DBE/SBE firm have an experienced Project Manager (other than the owner) on the project? If yes, please provide the Project Manager's name:		
If yes, is the Project Manager a full-time employee of the DBE/SBE?		
Is the PM or DBE/SBE owner supervising its employees and their work?		

Equipment	Yes	No
Is the DBE/SBE only using equipment it owns, rents, or leases? (Attach equipment list and rental or lease agreements)		

Remuneration	Yes	No
Is payment received by the DBE/SBE commensurate with the work being performed?		

CUF Comments/Observations
<p style="text-align: center; font-size: 48px; opacity: 0.3; transform: rotate(-30deg);">EXAMPLE</p>

Commercially Useful Function Determination	Yes	No
Based on the above, is the DBE/SBE an independent business, executing a distinct element of work, and performing, managing, and supervising the work specified in the DBE/SBE contract? (If no, contact the Contract Compliance Manager to process a Non-Commercially Useful Function determination.)		

Reviewer Signature: _____ **Date:** _____

Printed Name: _____ **Title:** _____



DISADVANTAGED BUSINESS ENTERPRISE (DBE) or SMALL BUSINESS ENTERPRISE (SBE) TRUCKING CREDIT WORKSHEET

Worksheet must be completed by the DBE/SBE trucking firm and **submitted with the NDOT Subcontractor/Service Provider Request Form (SSPR)**. Information listed must be complete and in compliance with DBE/SBE commercially useful function (CUF) requirements under 49 CFR Part 26.55. **This form is only used for DBE/SBE trucking work.**

NDOT CONTRACT #	CONTRACT LOCATION		
DBE/SBE TRUCKING FIRM	PRIME CONTRACTOR		
TOTAL DOLLAR VALUE OF THE DBE/SBE TRUCKING COMMITMENT \$ _____	UNDER CONTRACT WITH (IF LOWER TIER)		
COST PER UNIT FOR HAULING \$ _____ PER <input type="checkbox"/> HOUR <input type="checkbox"/> TON <input type="checkbox"/> OTHER _____			
TYPE OF MATERIAL/EQUIPMENT BEING HAULED			

TRUCKS DBE/SBE WILL USE ON THIS CONTRACT

TRUCKS OWNED/LEASED BY DBE/SBE*

NUMBER OF OWNED/LEASED TRUCKS USED ON THIS CONTRACT	ESTIMATED VALUE OF WORK COMPLETED BY DBE/SBE OWNED/LEASED TRUCKS
TYPES OF TRACTOR(S)/TRAILER(S) DBE/SBE IS USING ON THIS CONTRACT	

* All equipment owned, or under long term lease (with lease agreement) must be on file with NDOT (Annual Equipment List)

TRUCKS SUBCONTRACTED FROM ANOTHER DBE/SBE

NAME OF ADDITIONAL DBE/SBE FIRMS	# OF TRUCKS FROM THIS DBE/SBE FIRM	ESTIMATED \$ VALUE OF WORK

TRUCKS SUBCONTRACTED FROM A NON-DBE/SBE FIRM (FOR DBE/SBE MATCH)

NAME OF ADDITIONAL FIRMS	# OF TRUCKS FROM THIS FIRM	ESTIMATED \$ VALUE OF WORK

TRUCKS SUBCONTRACTED FROM A NON-DBE/SBE FIRM (FOR TRANSPORTATION FEE/COMMISSION CREDIT)

NAME OF ADDITIONAL FIRMS	# OF TRUCKS FROM THIS FIRM	FEE/COMMISSION RATE

AUTHORIZED DBE/SBE SIGNER MUST INITIAL TO ACKNOWLEDGE THE FOLLOWING STATEMENTS:

_____ Failure to obtain approval, by NDOT Contract Compliance, for all subcontracted trucking firms, according to NDOT's DBE Program and SSPR procedures, before work is started, may result in penalties (NRS 338.060).

_____ Changes to information on this form, after submitted to NDOT, requires the submittal of a revised form within seven (7) working days of a change.

DBE/SBE AUTHORIZED SIGNATURE	DATE
NAME AND TITLE	

If additional space is needed, please attach additional forms. For any questions, contact NDOT Contract Compliance, via email at contractcomplianceprojects@dot.nv.gov, or by phone at 775-888-7497.

NEVADA DEPARTMENT OF TRANSPORTATION

Contract Compliance Review

Please provide the information requested to the Nevada Department of Transportation (NDOT) Contract Compliance office by the end of business on the date indicated in the cover letter. Additional documentation provided must be clear, legible, organized and labeled according to the section and item indicators below. Requests for additional documentation will be sent to you both electronically and via certified US mail. An on-site interview and verification date has been set, and is listed in the cover letter.

The compliance review is being conducted under the following authorities: 49 CFR, Section 21 and Section 26; 23 CFR Sections 200 and 230, Subparts A-D; 23 CFR 635.117(d); 23 U.S.C. 324; Title VI of the Civil Rights Act of 1964; Civil Rights Restoration Act of 1987; FHWA Admin. 23 U.S.C. 140; FHWA Form 1273; NDOT Standard Specifications for Road and Bridge Construction, 2014 Edition; and NDOT Special Provisions for the project.

Section I. Project Information and Goals

1. Contract Number
2. Contract Location
3. Contract Description
4. Contract Delivery Type
5. Construction Begin Date
6. Estimated Completion Date
7. Percentage Complete To-Date
8. Month and Year of Anticipated Peak Employment
9. Type of Review
10. Contractor Type
11. Name and Address of Contractor
12. Contractor Contacts:
 - a. Name and Title of Primary Principal (or authorized signatory for project)

Email address
 - b. Name and Title of Policy Making Officer

Email address
 - c. Name and Title of Project Manager

Email address
 - d. Name and Title of Company EEO Officer:

Email address

f. Name and Title of Project EEO Officer (if different from Company EEO Officer)

Email address

g. Name and Title of Company DBE Officer

Email address

13. Project Disadvantaged Business Enterprise (DBE) Goal

14. Project DBE Commitment

15. Project Minority Goal

16. Project Female Goal

Section II. Subcontractor, Service Provider and DBE Program Review

1. Attach a list of subcontractors, service providers and DBE suppliers on the project. Sample format:

Business Name	Sub Tier	Utilization Type	Description of Work	DBE	Subcontract Value	Work Status
<i>Company 1</i>	<i>1</i>	<i>Sub</i>	<i>Milling</i>	<i>No</i>	<i>\$250,000.00</i>	<i>In Progress</i>
<i>Company 2</i>	<i>1</i>	<i>Svc. Provider</i>	<i>Environmental Support</i>	<i>No</i>	<i>\$25,000.00</i>	<i>Completed</i>
<i>Sub 3 (sub to Company 1)</i>	<i>2</i>	<i>Sub</i>	<i>Milling</i>	<i>Yes</i>	<i>\$25,000.00</i>	<i>Not Started</i>

2. Attach a list of DBE companies committed to the project. Sample format:

Business Name	Description of Work	Committed Subcontract Value	Eligible Paid to Date as of MM/DD/YYYY
<i>DBE Company 1</i>	<i>Traffic Control</i>	<i>\$25,000.00</i>	<i>\$2,321.00</i>

3. Are there established procedures to ensure subcontractors' compliance with the EEO obligations of this contract?

Yes No

4. Is FHWA Form 1273, and other Federal-aid contract provisions physically incorporated in all subcontracts?

Yes No

Section III. On-the-Job Training/Apprenticeship

1. How many training hours have been set as a goal for this project?
(if none, continue to Section IV)

2. Do you have an approved on-the-job training program or are you a signatory to a collective bargaining agreement which has an apprenticeship program?

Yes No

3. How many trainees/apprentices are currently employed on the project?

4. If there are no trainees/apprentices on the project at the time of review, are they anticipated to be on the project?

Yes No If yes, when?

5. Attach a list of the current ratio of trainees/apprentices to journeymen for each craft utilized on the project.

6. Have trainees/apprentices received rate increase as provided for in the approved on-the-job training or apprenticeship program?

Yes No

- Have any trainees/apprentices graduated from the program while on this project?
Yes No
- Are apprentices being retained by the contractor after completion of their program?
Yes No
- Attach a breakdown of training data for each trainee/apprentice by craft, gender, race/ethnic group, number of employees and number of hours worked. Sample format:

		Total of All Employees		Total of all Minorities		Black (not of Hispanic Origin)		Hispanic		Asian-Pacific (excluding Native Hawaiians)		American Indian or Native American (including Native Hawaiian)		Other (2 or more races)	
		M	F	M	F	M	F	M	F	M	F	M	F	M	F
		Laborer	Apprentices	4	1	2	1	-	1	2	-	-	-	-	-
Hours	795		200	195	200	-	200	195	-	-	-	-	-	-	-
Electrician/Wireman	Apprentices	3	-	1	-	-	-	-	-	-	-	1	-	-	-
	Hours	694	-	16	-	-	-	-	-	-	-	16	-	-	-
Operator	Apprentices	2	1	1	-	-	-	-	-	-	-	-	-	1	-
	Hours	800	776	300	-	-	-	-	-	-	-	-	-	300	-

Section IV. Recruitment/Referral of Minorities and Women

- Is the Prime a signatory to collective bargaining agreement(s)?
Yes No **(if no, continue to #6 of this section)**
- Attach a list of all union affiliations and answer the 3 questions listed in the sample below for each Union. Sample format:

International Union of Operating Engineers, Local 12

Yes	No	
✓		1. Does the Union have exclusive referral rights?
✓		2. Does the Union sponsor or participate in pre-apprentice or post apprentice training program?
✓		3. Does the contractor sponsor or participate in in pre-employment apprentice or post-employment training programs?

- Attach a copy of the current collective bargaining agreement(s).
- Is the recruitment of minorities and women addressed in the collective bargaining agreement(s)?
Yes No
- Attach copies of required written EEO notices sent to the unions.
- If the union has been unable to refer qualified minorities and women for employment, or if the contractor is not a signatory to a collective bargaining agreement, have recruitment procedures been established and used to fill job vacancies consistent with the EEO obligations of this contract?
Yes No If yes, attach a copy of the procedures/documentation of the efforts.
- List those with the responsibility for hiring employees on this project.

Name Title Email Address

8. Have employees with hiring authority been instructed in the methods of recruitment and hiring of minority and women employees?
 Yes No
9. Can employees be hired on site?
 Yes No
10. When advertising for employees through electronic sites, social media, newspapers, trade magazines or other publications, has the notation "An Equal Opportunity Employer" been included in the advertisements?
 Yes No
11. Attach samples of advertisements, for this project only, and include the name of the site/publication and the dates ran.
12. Attach a list of community recruitment sources, other than unions and advertisements, used on this project (e.g. schools, minority organizations, women's organizations, community centers, Economic Development Centers, etc.) including the name, type of source and contact information.
13. Attach samples or documentation of any other types of recruitment techniques used to locate and hire minority and women employees.
14. Have present employees been encouraged to refer minority and women applicants for employment?
 Yes No
15. Is an applicant log maintained? If yes, please provide a sample of the log and a copy of the procedures for maintaining and utilizing the log.
 Yes No

Section V. EEO Obligations

1. Has the following statement been accepted as operating policy?
It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training.
 Yes No If no, please explain in an attachment.
2. Attach a copy of your EEO policy.
3. Has the EEO policy and other required notices and posters been placed in an area readily accessible to employees, applicants for employment and potential employees?
 Yes No If yes, attach a description of the location and provide pictures.
4. Are new hires made aware of your EEO policy?
 Yes No If yes, attach documentation.
5. Are all employees made aware of the EEO policy, at least annually, and updated on any changes as they occur?
 Yes No If yes, attach documentation of means of notification (e.g. meeting minutes with roster of attendees, handbook with acknowledgement receipt, etc.).
6. Have all supervisory employees and HR personnel been trained on the EEO policy?
 Yes No If yes, attach documentation of the training including sign-in sheets, course content, etc.
7. Has an EEO officer been designated specifically for this project?
 Yes No If yes, attach procedures for addressing EEO related matters by the project EEO officer. **If no**, attach procedures for how EEO related matters are escalated to the company EEO officer.

8. Has the EEO officer (both company and project) been given adequate written authority delegating the duties and responsibilities of the position?

Yes No If yes, provide documentation.

9. When was the EEO officer(s) assigned EEO related responsibilities?

10. Annually, approximately what percentage of the time does the EEO officer(s) spend on EEO concerns?

11. Attach a curriculum vitae of the EEO officer(s), including specific information about training received within the last 2 years.

12. Is a written EEO Affirmative Action Plan (AAP) available?

Yes No

If yes:

- a. Attach a copy of the plan
- b. Has the AAP been updated in the last year and signed by a company official?
- c. Do employees receive a copy of the AAP?
- d. Are DBE contractors addressed in the AAP?
- e. Are minorities and women addressed throughout the AAP?
- f. For a no response for questions b. through e. above, attach an explanation.

13. Has EEO/AAP related training been conducted for all employees during the last year?

Yes No If yes, attach documentation of the training including sign-in sheets, course content, etc.

14. Attach a current workforce breakdown, with hours worked, for this project only, for craft employees in the following format.

		Total of All Employees		Total of all Minorities		Black (not of Hispanic Origin)		Hispanic		Asian-Pacific (excluding Native Hawaiians)		American Indian or Native American (including Native Hawaiian)		Other (2 or more races)	
		M	F	M	F	M	F	M	F	M	F	M	F	M	F
		Laborer	Employees	4	1	2	1	-	1	2	-	-	-	-	-
	Hours	795	200	195	200	-	200	195	-	-	-	-	-	-	-
Electrician/Wireman	Employees	3	-	1	-	-	-	-	-	-	-	1	-	-	-
	Hours	694	-	16	-	-	-	-	-	-	-	16	-	-	-
Operator	Employees	2	1	1	-	-	-	-	-	-	-	-	-	1	-
	Hours	800	776	300	-	-	-	-	-	-	-	-	-	300	-

15. Attach a current breakdown of non-craft employees, providing support for this project, including professionals, managers, supervisors, technicians and office staff.

	Total of All Employees		Total of all Minorities		Black (not of Hispanic Origin)		Hispanic		Asian-Pacific (excluding Native Hawaiians)		American Indian or Native American (including Native Hawaiian)		Other (2 or more races)	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F
	Professionals	2	1	1	1	-	1	-	-	1	-	-	-	-
Managers	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Supervisors	3	-	1	-	-	-	-	-	-	-	1	-	-	-
Technicians	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Office Staff	2	4	1	1	-	-	-	1	-	-	-	-	1	-

16. Are nondiscriminatory wage practices utilized on this project (no wage difference between minority, women and non-minority personnel within a given classification)?

Yes No If no, provide an explanation and documentation of the response.

17. Attach a list of all **new employees**, hired for this project, as of the last week ending reporting date, in the following format.

Name of New Employee	Race	Gender	Job Classification	Starting Hourly Wage	Start Date	Recruitment Source

18. Attach a list of all minority and women employees, who have worked on this project to date, as of the last week ending reporting date, in the following format.

Name of Employee	Race	Gender	Job Classification	Start Date	End Date (if applicable)

19. Attach a list of all personnel transactions, other than new hires, for this project only, including, but not limited to, promotions, upgrades, terminations, transfers, layoffs, and returns to union halls, in the following format.

Name of Employee	Race	Gender	Job Classification	Personnel Action	Date of Action

20. Have any complaints of discrimination been received in the past three years?

Yes No If yes, attach documentation of any complaints (an EEO complaint log) with at least the following information: date of complaint, brief description of the complaint, nature of the complaint (discrimination, harassment, etc.), Name and title of person named in the complaint, action taken, and outcome.

21. In the past three years, have reviews made by the Equal Employment Opportunity Commission (EEOC), the Office of Federal Contract Compliance Programs (OFCCP), or any other federal, state, or local agency regarding your company or any of your subcontractors resulted in a determination of compliance or noncompliance?

Yes No If yes, attach documentation in the following format:

Agency	Date of Review	Case identification(s)	Result

22. Attach a list of all Federal-aid contracts of \$10,000 or more held by your company. The list, at minimum, should include project identifying number(s), contracting agency, location and dollar amount.

NEVADA DEPARTMENT OF TRANSPORTATION

Project Workforce Checklist

For Compliance with the Nevada Apprenticeship Utilization Act, 2019

Contract No.: _____ Contractor/Subcontractor: _____

Craft/Trade	More than 3 Employees Anticipated?	Anticipate Needing Waiver?
Air Balance Technician	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Alarm Installer (see also Electrician)	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Boilermaker	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Bricklayer , can also include tile setter, terrazzo workers and marble masons.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Carpenter , can also include cement masons, floor coverer, millwright and piledriver (non-equipment), plasterers and terrazzo workers.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Electrician , includes communication technician, line, neon sign and wireman. Can also include alarm installer.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Elevator Constructor	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Glazier (see also Painters and Allied Trades)	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Hod Carrier (see also Laborers) includes brick-mason tender and plaster tender.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Iron Worker can also include fence erectors (steel/iron)	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Laborer includes asbestos abatement, fence erector (non-steel/iron), flag person, highway striper and traffic barrier erector. Can also include cement masons, hod carrier brick mason tender and plaster tender	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Lubrication and Service Engineer	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Mason , can also include cement mason, plasterer, tile setter, terrazzo workers and marble masons	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Mechanical Insulator	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Millwright (see also carpenter)	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Operating Engineer , can also include equipment greaser, piledriver, soils and material tester, steel fabricator/erector (with equipment), surveyor (non-licensed) and well driller.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Painters and Allied Trades , can also include glaziers, floor coverers, and tapers.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Plumber/Pipefitter	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Refrigeration	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Roofer (not sheet metal)	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Sheet Metal Worker , can also include air balance technician.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Sprinkler Fitter	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Truck Driver	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Well Driller (see also Operating Engineer)	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

I affirm I am fully authorized to sign on behalf of the contractor/subcontractor listed above, and that the information provided is true and correct to the best of my knowledge. Additionally, I acknowledge any changes to the anticipated workforce, which may have an impact on compliance with the Nevada Apprenticeship Utilization Act, 2019, will require the submittal of a revised form within five (5) calendar days of the change.

Signed: _____ Date: _____

Name and Title: _____

STATE OF NEVADA
Office of the Labor Commissioner

REQUEST FOR APPRENTICE AVAILABILITY ON A PUBLIC WORK

Senate Bill (SB) 207 - Apprenticeship Utilization Act passed during the 2019 Legislative Session adds a section to NRS section 338. In passing SB 207, The Legislature hereby finds and declares that: (1) A skilled workforce in construction is essential to the economic well-being of the State; (2) Apprenticeship programs are a proven method of training a skilled workforce in construction; and (3) Requiring the use of apprentices on the construction of public works will ensure the availability of a skilled workforce in construction in the future for this State. <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6351/Text>

You may use this form to request an Apprentice or determine availability of an Apprentice from a Registered Apprenticeship Program in the applicable craft or trade in the area of the Public Works Project. For information about Registered Apprenticeship Programs in your area and Registered Apprentices, please visit www.labor.nv.gov or the Nevada State Apprenticeship Council at www.owinn.nv.gov/Apprenticeship/AboutSAC/ *The Governor's Office of Workforce Innovation (OWINN) is responsible for the Nevada State Apprenticeship Council and the approval and registration of Apprenticeship Programs and Apprentices.

Requests for dispatch must be in writing and submitted (and received) at least 5 business days in advance (excluding weekends and holidays) via first class mail, fax or email. Proof of submission (and receipt) will be required. Please refer to Chapter 610 of the Nevada Revised Statutes and Nevada Administrative Code Chapter 610 for the laws and regulations governing Registered Apprenticeship Programs and Registered Apprentices.

Request Submitted to: _____ Date Request Submitted: _____

Name of Registered Apprenticeship Program: _____
Contact Person/Title: _____
Address: _____, _____, NV _____
Tel No.: (____) _____ Fax No.: (____) _____ Email: _____
Craft or Trade: _____

Requestor Information:
Contractor/Subcontractor: _____ License Number: _____
Contact Person/Title: _____
Address: _____, _____, _____
Tel No.: (____) _____ Fax No.: (____) _____ Email: _____

Availability Request Information:
Number of Apprentice(s) Required: _____ Craft or Trade: _____
Apprentice(s) Report Date: _____ (5 business days' notice required) Report Time: __: __ __.
Name of Person to Report to: _____
Address to Report to: _____, _____, NV _____

Project Information:
Contract Name/Number: _____ Project Location: _____
Awarding Body Name: _____
Contact Person/Title: _____
Tel No.: (____) _____ Fax No.: (____) _____ Email: _____

 Print Name/Title _____ *Signature ____/____/____ Date

*By signing this form you certify that the information you have provided is true and correct to the best of your knowledge.

Request Approved: Request Denied:

Notes: _____

 Print Name/Title _____ Signature ____/____/____ Date
 Date Received: _____ Date Returned: _____

NEVADA DEPARTMENT OF TRANSPORTATION

Request for Waiver

For Compliance with the Nevada Apprenticeship Utilization Act, 2019

Contract No.: _____ Contractor/Subcontractor: _____

Contact: _____ License Number: _____

Phone: _____ Fax: _____ e-mail: _____

No waivers needed for this contractor/subcontractor in any crafts/trades.

Waiver needed for the following craft(s)/trade(s) _____

as there are no apprentices available from an Apprenticeship Program registered by the Nevada State Apprenticeship Council within the jurisdiction where the public work is to be completed. Please describe why an Apprentice is not available or cannot be provided:

Waiver needed for the following craft(s)/trade(s) _____

as the contractor/subcontractor listed above requested Apprentices from a registered Apprenticeship Program and the request has been denied or not approved within 5 business days. Please describe why an Apprentice is not available or cannot be provided:

Waiver needed for the following craft(s)/trade(s) _____

as the contractor/subcontractor is required to perform uniquely complex or hazardous tasks on the project, as described below, that require the skill and expertise of a journeyman:

Please attach all additional documentation/evidence needed to support the request for waiver.

I affirm I am fully authorized to sign on behalf of the contractor/subcontractor listed above, and that the information provided is true and correct to the best of my knowledge.

Signed: _____ Date: _____

Name and Title: _____

Section 9 – Manual Revisions

The CCM is a dynamic document and subject to annual review by the NDOT Contract Compliance office. Additionally, the CCM provides the procedural basis for the [Comprehensive Compliance Review Plan](#) submitted annually to the Federal Highway Administration. Both the CCM and the Plan will be updated at the end of every State fiscal year, with the Plan being submitted annually, on or before, July 31. CCM revisions will be published as necessary.

Any comments or suggestions on the CCM should be sent to the Contract Compliance Manager via email at contractcomplianceprojects@dot.nv.gov.

Revision Tracking List

Revision Date Month/Year	Version/Pages Revised
01/2017	v.1 Certified Payroll and Compliance Manual (new)
12/2019	v.2 Contract Compliance Manual (complete revision)
02/2020	v.2.1 - Table of Contents and Sections 1, 5, 6, 8 and 9 (in entirety); and pg. 3-3
04/2020	v.2.2 - Table of Contents; Sections 2 and 4; and pages 3-3 and 8-9