

# Civil Rights

VOLUME 1, ISSUE 1

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## DBE goal update:

- Fiscal year 2011 annual DBE goal: 4.6 percent
- FY 2011 YTD annual DBE accomplishment: 6.6 percent
- Next DBE goal setting meeting: April 5, 2011 @ 1 p.m. CST
- Teleconference participation is available for meetings.
- Monthly DBE accomplishment on the Office of Contracts' Website under DBE Program

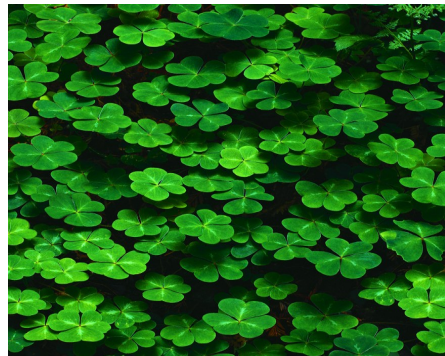
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## Title VI of the Civil Rights Act of 1964

42 U.S.C. § 2000d

*No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.*



## Discrimination

That act (or action) whether intentional or unintentional, through which a person in the United States, solely because of race, color, religion, sex, or national origin, has been otherwise subjected to unequal treatment under any program or activity, if receiving financial assistance from the Federal Highway Administration under title 23 U.S.C. (23 CFR 200.5 (f)).

## Nondiscrimination (49 CFR §26.7)

The Iowa DOT will never exclude any person from participating in any contract on the basis of race, color, sex, or national origin. The Iowa DOT will also never deny any person the benefits of such a contract nor will it discriminate against anyone in connection with the award and performance of such a contract. In administering its DBE program, the Iowa DOT will not, directly nor through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing the accomplishment of DBE program objectives.

## Leased employees

Internal procedures are currently being developed to allow and accept leased employees by highway contractors.

The practice has been utilized in the past and to maintain accurate documentation and accountability all contractor's will be required to notify the project engineer of the intent to lease employees on

the project site.

Certified payrolls will need to indicate which contractor on the job site is utilizing the leased employees listed on the payroll every submission.

Currently, Tradesmen International is the company providing such services to the industry and we have personally met with this

company to ensure they will follow all required specifications on Iowa DOT let projects.

Unfortunately, their operating procedures and policies are in direct violation of the DBE federal regulations and, therefore, can not be utilized by a certified DBE company.

# Contract compliance - 1273



The appropriate Iowa DOT staff ensures that all federal-aid **construction contracts and applicable subcontracts** contain provisions for compliance with Title VI as provided for in Form FHWA-1273.

By entering into a federal-aid construction contract, organizations and firms are certifying that they maintain non-segregated facilities that conform to requirements of 41 CFR 60.1.8. These regulations also require a prime contractor to obtain a similar certification from each subcontractor and supplier, as applicable.

EEO/AA policies must be on file for contractors entering into contractors more than \$10,000. Annual review of the EEO/AA policy must be conducted and either updated or a no-change affidavit filed with the Office of Contracts.

*(FHWA 1273 Must be attached to all Federal-Aid Contracts and Subcontracts)*

**DBE Goal Setting Meeting for each letting-**

**Occurs the First Tuesday of Every Month at 1:00 pm CST.**

**Current DBE accomplishment available on Office of Contracts Webpage under DBE Program website**

## Parts of the 1273

**Section II. The goal of the EEO is to increase the participation of minorities and women in the workforce and extend to contractor practices in recruitment, hiring, pay, training, promotion and retention.**

**Section II.8. Deals with the contractor's EEO policy as it pertains to selection of subcontractors, including material suppliers and equipment leasing companies. Contractors are encouraged to use DBEs or other subcontractors that employ minorities and women. Furthermore, contractors are required to exercise their best efforts to solicit bids from and to utilize DBE subcontractors or subcontractors with meaningful minority group and female representation among their employees, as well as ensure that subcontractors comply with the EEO requirements.**

## Annual DBE goal

Historically, the Iowa DOT establishes an annual DBE goal to operate with during the fiscal year.

Currently, the 2011 annual DBE goal is 4.6 percent. Changes in federal regulations will change the way we set annual goals.

Starting with FY 2012, a three-year DBE goal will be calcu-

lated and used over the course of the next three years.

Each year will operate independent of the other years and the department will track the accomplishment of DBE participation each year.

**Current 2011 year to date (YTD) accomplishment 6.6 percent.**

**State of Iowa Directory of Certified Disadvantage Business Enterprises (DBE) 2011 is available online at:**

**<http://www.ia.bidx.com/lettings/dbealpha.pdf>**

# Office of Contracts - Civil Rights Personnel

**Maria Hobbs**

External civil rights administrator

[Maria.l.hobbs@dot.iowa.gov](mailto:Maria.l.hobbs@dot.iowa.gov)

Set and monitor contractor trainee programs, enforce contractor EEO/AA hiring practices, DBE certification and commitment monitoring, DBE goals, TSB usage reporting and subcontractor reporting.

Peg Muxfeldt, Office of Contracts, civil rights support

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**Jim Kelly**

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Affirmative action officer

DBE certification

ESB certification

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## DBE truck roster update due March 21

All truck equipment used for DBE goal work must be provided to Peg Muxfeldt, in the Office of Contracts: by March 21, 2011. This information must be updated prior to the start of the 2011 construction season.

Trucks not appearing on this listing will not count towards DBE goals. You may phone, E-mail, fax or mail in your changes to equipment listed on the truck roster by this date.

Phone: 515-239-1422

Fax: 515-239-1325

Email: [margaret.muxfeldt@dot.iowa.gov](mailto:margaret.muxfeldt@dot.iowa.gov)

Iowa DOT, Office of Contracts, 800 Lincoln Way, Ames Iowa 50010



## DBE recertification or annual affidavit due April 15

### DBE Three-Year recertification

All certified Iowa DBE's in highway construction have been sent a notice of the requirement to recertify every three years. The notice was sent 60 days prior to your expiration date (April 15, 2011).

All new supporting documentation, including the personal net worth (PNW) statement must be provided again.

### DBE annual affidavit

Each year, all DBEs are required to submit a "Notice of Change" or "No Change" affidavits. These are due to the Office of Contracts on the date designated in your notice. Each affidavit must be accompanied by documentation of the DBE's size and gross receipts. To meet the requirements of 49 CFR part 26.83(j)

All certified DBE's must submit a written affidavit of any change affecting their ability to meet size, disadvantaged status, ownership, or control of the operations of 40 CFR part 26. Notice must be sent to Len Hill in the Office of Contracts within 30 days of the change.

**New links on the Iowa DOT's Office of Contracts website.**

**DBE Program**

This link has been updated. Check back often for updates and program information.

Topics include:

Monthly Updates on DBE Accomplishments

Three-year goal setting methodology

DBE's commercially useful function

Good Faith Effort Points

More on female and minority highway construction industry training

**Electronic Weekly Letting Report**

Notice to bidders

Special notices/alerts/prebid meetings

Request for letting documents

Major items

Letting dates

Upcoming local lettings

Estimated target list

Fuel adjustment

Bid tabulations

Contracts accepted (last 30 days)

<http://www.iowadot.gov/contracts/lettings.html>

**New “8 in 1” worksite posters available**

The “8 in 1” poster was updated during 2010 construction season. Please make sure you are utilizing the appropriate poster on your job sites and have replaced all outdated material. Copies of the poster are available by contacting the Office of Contracts at 515-239-1422.



Association of General Contractor's Career Board website

A great resource for your employment posting and job searching needs, visit

<http://www.agciajobs.com>

**Training opportunity for female and minorities interested in pursuing a career in highway construction; Iowa DOT provides assistance and funding at selected area colleges for flaggers, commercial drivers license and core construction.**

**Please contact, the Iowa DOT's Office of Contracts for more information at 515-239-1422.**