

## Equal Opportunity (EO) Contract Compliance Program Guidelines

### Problem:

Many State Transportation Agencies (STAs) struggle with developing and managing Equal Opportunity (EO) Contract Compliance Programs. Through EO Contract Compliance Programs, the FHWA and STAs work to ensure that Federal and Federal-Aid highway construction funds are not being spent in a manner, which encourages, supports, subsidizes or results in prohibited contracting and employment discrimination. If STAs are not clear on their responsibilities; or, do not know how to go about assuring that Federal contractors and subcontractors don't discriminate in employment and contracting practices based on race, color, religion, sex, national origin, age or disability, is it unrealistic to think that this is an area ripe for undetected contract irregularities, potential discriminatory acts and non-compliance? The answer is an unequivocal NO. It is not unrealistic to think that there is non-compliance with equal opportunity contract compliance program objectives.

The EO Contract Compliance program basically has two primary and complementary objectives that, when applied correctly, will detect and alert responsible parties to non-compliance, whether overt or subtle. The first objective is to provide FHWA guidance, direction and technical assistance to the STA regarding development and implementation of an effective EO contract compliance program as required by Title 23, United States Code, Section 140 and the regulations 23 CFR 230. The second objective is to ensure that contractors and subcontractors performing work on Federal and federally-assisted highway contracts satisfy the non-discrimination and affirmative action contractual requirements set forth in their construction contracts.

### Solution:

Ensuring compliance is a goal that can be attained. It requires training and technical assistance from resources available that possess expert knowledge, skills and abilities, honed by actual hands on developing, managing and reviewing Federal-aid contracts. State Transportation Agencies can greatly enhance development and management

of EO contract compliance with class room instruction or on-site technical assistance from members of the newly formed Civil Rights Technical Service Team. The CR TST provides training in the currently revised FHWA Equal Opportunity Contract Compliance Review Guidelines and training and technical assistance in conducting EO Contract Compliance Reviews.

Members of the CR TST possess hands on experience and will work with you to resolve issues you face but may not know how to handle. They are recognized experts in FHWA authorities and State EO programs. They are trained to provide guidance on 23 CFR 230, Subpart A, including but not limited to EEO on construction contracts and Supportive Services; 23 CFR 230, Subpart C STA Equal Opportunity and Affirmative Action Plan (EO/AAP) and contract compliance programs; 23 CFR 230, and, Subpart D procedures for conducting contract compliance reviews.

Each CR TST member is a designated subject matter expert that is available to discuss your particular needs. They can explain contract provisions of FHWA 1273, incorporating detailed explanations of the contractor's responsibilities, good faith efforts and special provisions for Appalachian contracts.

The FHWA Civil Rights Technical Service Team offers technical training and workshops, Contract Compliance Seminars; Customized Technical Assistance; Technical Leadership though program, process, peer and compliance reviews.

### Successful Applications:

Through training, workshops and customized reviews, more than 200 civil rights professionals throughout the U.S., have enhanced their knowledge, skills and abilities regarding EO contract compliance.

**Additional Resources**

To learn more, visit [www.fhwa.dot.gov/resourcecenter](http://www.fhwa.dot.gov/resourcecenter)

**For more information, contact:**

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