

ARE YOU READY,
WILLING, AND ABLE?

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Webber/Ferrovia Agroman/GPI

- ▶ **KNOWING THE REQUIREMENTS**
- ▶ **UNDERSTANDING THE FLOWDOWN PROVISIONS**
- ▶ **APPLYING THE REQUIREMENTS WHILE PERFORMING THE WORK**

**KEY POINTS FOR PERFORMING WORK ON
HIGHWAY CONSTRUCTION PROJECTS**



TxDOT EXPECTATION..CONTRACTOR
IMPLEMENTATION

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graph TD; A[TxDOT EXPECTATION..CONTRACTOR IMPLEMENTATION] --> B[STATE LET OR LOCAL LET?]; B --> C[FLOW DOWN PROVISIONS];
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STATE LET OR LOCAL LET?

FLOW DOWN PROVISIONS

KNOWING THE REQUIREMENTS

EMPLOYMENT (EEO)- Non Discrimination

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graph TD; A[EMPLOYMENT (EEO)- Non Discrimination] --> B[E-VERIFY]; B --> C[LABOR – Davis Bacon/FHWA 1273]; C --> D[CONTRACT COMPLIANCE- DBE];
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E-VERIFY

LABOR – Davis Bacon/FHWA 1273

CONTRACT COMPLIANCE- DBE

KEY FLOWDOWN PROVISIONS

Non Discrimination Clause



The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin.

KEY FLOWDOWN PROVISIONS (CONT'D)



E-VERIFY



- OCTOBER 2017 MANDATE
- VERIFICATION TO TXDOT
- Prior to working on project
- All employees/workers

KEY FLOWDOWN PROVISIONS (CONT'D)



FHWA 1273- Federal Construction Contract Provisions

- Davis Bacon - Certified Payroll

REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

- I. General
- II. Nondiscrimination
- III. Nonsegregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety: Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Compliance with Governmentwide Suspension and Debarment Requirements
- XI. Certification Regarding Use of Contract Funds for Lobbying

ATTACHMENTS

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under Title 23 (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services).

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services). The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Contracting agencies may reference Form FHWA-1273 in bid proposal or request for proposal documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract).

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors.

II. NONDISCRIMINATION

The provisions of this section related to 23 CFR Part 230 are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR 60, 29 CFR 1625-1627, Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27, and 23 CFR Parts 200, 230, and 633.

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding \$10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR 60, and 29 CFR 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), and Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27, and 23 CFR Parts 200, 230, and 633.

The following provision is adopted from 23 CFR 230, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

1. **Equal Employment Opportunity:** Equal employment opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630, 29 CFR 1625-1627, 41 CFR 60 and 49 CFR 27) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140 shall constitute the EEO and specific affirmative action standards for the contractor's project activities under

KEY FLOWDOWN PROVISIONS (CONT'D)

Prevailing
Wage
Decision
Houston is in
Zone 56

**ATTACHMENT 3 TO EXHIBIT 3
FEDERAL PREVAILING WAGE RATE**

The wage rates listed are those predetermined by the Secretary of Labor and State Statute to be the minimum wages paid. To determine the applicable wage rate zone, a list entitled "TEXAS COUNTIES IDENTIFIED BY WAGE RATE ZONES" is provided in the contract. Any wage rate that is not listed must be submitted to the Engineer for approval. IMPORTANT NOTICE FOR STATE PROJECTS: only the controlling wage rate zone applies to the contract. Effective 01-06-2017.

CLASS. #	CLASSIFICATION DESCRIPTION	ZONE TX01 1/6/17	ZONE TX06 1/6/17	ZONE TX11 1/6/17	ZONE TX12 1/6/17	ZONE TX14 1/6/17	ZONE TX16 1/6/17	ZONE TX18 1/6/17	ZONE TX34 1/6/17	ZONE TX38 1/6/17	ZONE TX37 1/6/17	ZONE TX40 1/6/17	ZONE TX41 1/6/17	ZONE TX54 1/6/17	ZONE TX56 1/6/17	ZONE TX63 1/6/17
1428	Agricultural Tractor Operator						\$12.60									\$11.16
1500	Asphalt Distributor Operator	\$13.87	\$13.48	\$13.88	\$15.72	\$15.55	\$15.55	\$15.72	\$15.25	\$15.32	\$15.62	\$14.36	\$14.25	\$14.82	\$13.75	\$14.40
1503	Asphalt Paving Machine Operator	\$13.48	\$12.25	\$12.35	\$13.87	\$14.88	\$14.36	\$14.36	\$13.26	\$13.88	\$14.68	\$12.27	\$13.44	\$12.82	\$14.08	\$12.32
1186	Asphalt Paver	\$12.26	\$10.81	\$12.62	\$14.21	\$11.85	\$12.12	\$11.84	\$11.44	\$12.82	\$12.05	\$11.34	\$11.87	\$11.40	\$12.50	\$12.28
1132	Batching Plant Operator, Asphalt															
1115	Batching Plant Operator, Concrete															
1214	Baler															
1615	Boom Truck Operator						\$18.26									
1444	Boring Machine Operator															
1505	Brooms or Sweeper Operator	\$11.27	\$10.32	\$10.28	\$11.96		\$11.04	\$11.82		\$11.74	\$11.41	\$10.35		\$10.22	\$10.58	\$12.64
1144	Communications Cable Installer															
1134	Concrete Finisher, Paving and Structures	\$13.55	\$12.48	\$13.16	\$12.85	\$12.84	\$12.55	\$12.77	\$12.44	\$14.12	\$13.04	\$13.36	\$12.64	\$12.80	\$12.75	\$12.96
1319	Concrete Pavement Finishing Machine Operator				\$14.02	\$15.48				\$18.86		\$18.31				\$12.02
1215	Concrete Paving, Curing, Road, Texturing Machine Operator											\$18.34				\$11.73
1333	Concrete Saw Operator				\$14.67						\$14.48	\$17.33				\$12.99
1389	Concrete/Gulch Pump Operator															
1344	Crane Operator, Hydraulic 83 tons or less				\$19.22		\$19.26			\$18.12	\$18.04	\$20.21			\$18.83	\$13.86
1345	Crane Operator, Hydraulic Over 80 Tons															
1342	Crane Operator, Lattice Boom 80 Tons or Less	\$16.82	\$14.36	\$13.85	\$17.27		\$15.87			\$17.27		\$14.87		\$16.42	\$14.82	\$13.87
1343	Crane Operator, Lattice Boom Over 80 Tons				\$22.52		\$12.26			\$22.52		\$17.49		\$25.12	\$15.86	
1388	Combo Tractor Operator	\$13.96	\$16.63	\$13.82	\$14.26		\$15.87			\$14.97	\$13.16	\$13.34			\$14.02	\$13.88
1351	Crusher or Screen Plant Operator															
1448	Directional Drilling Locator						\$15.87									
1445	Directional Drilling Operator				\$22.22		\$17.24									
1179	Electrician	\$20.96		\$19.87	\$19.85		\$26.26		\$20.27	\$18.85		\$20.87				\$27.11
1047	Excavator Operator, 50,000 pounds or less	\$13.46	\$12.88	\$13.87	\$17.16		\$12.08	\$14.35	\$13.49	\$17.19		\$13.86		\$14.06	\$12.71	\$14.42
1048	Excavator Operator, Over 50,000 pounds		\$15.23	\$13.82	\$17.04		\$17.71			\$18.99	\$18.88	\$18.22			\$14.82	\$13.82
1150	Flagger	\$8.33	\$8.15	\$8.50	\$19.29	\$8.81	\$9.45	\$8.75		\$19.26	\$9.71	\$9.32	\$8.67	\$9.08	\$9.90	\$10.32
1181	Form Subcontractor, Structures	\$13.52	\$12.28	\$13.26	\$12.91	\$12.71	\$12.87	\$12.36	\$12.26	\$13.84	\$12.88	\$13.97	\$13.87	\$12.82	\$14.75	\$12.22
1180	Form Setter, Paving & Curb	\$12.34	\$12.16	\$13.83	\$11.82	\$18.71	\$12.94			\$13.16	\$12.54	\$11.32	\$10.68		\$15.32	\$12.34
1260	Foundation Drill Operator, Crawler Mounted				\$17.09					\$17.89						\$17.42
1263	Foundation Drill Operator, Truck Mounted		\$18.84	\$22.25	\$21.91		\$18.02			\$21.97	\$20.22	\$20.76		\$17.54	\$21.28	\$18.89
1289	Front End Loader Operator, 3 CY or Less	\$12.25	\$13.49	\$13.40	\$13.85		\$12.04	\$13.15	\$13.29	\$13.99	\$13.84	\$13.88			\$13.81	\$12.32
1272	Front End Loader Operator, Over 3 CY	\$19.71	\$13.68	\$12.23	\$14.86		\$13.21	\$12.85	\$13.57	\$14.72	\$15.75	\$12.32			\$13.19	\$13.17
1329	Joint Bearer															
1172	Laborer, Common	\$16.30	\$9.88	\$18.28	\$19.51	\$15.71	\$20.58	\$19.24	\$10.88	\$18.72	\$16.45	\$18.26	\$10.28	\$10.02	\$10.54	\$11.82
1175	Laborer, Utility	\$17.87	\$11.52	\$12.20	\$12.12	\$11.81	\$12.22	\$12.11	\$11.32	\$12.22	\$11.82	\$11.82	\$11.22	\$11.56	\$11.95	\$11.72
1245	Loader/Backhoe Operator	\$14.18	\$12.72	\$12.97	\$15.68		\$14.12			\$15.18	\$15.58	\$12.87		\$13.21	\$14.12	\$14.26

KEY FLOWDOWN PROVISIONS (CONT'D)

DBE PROVISIONS (STATE Federal Assisted)



- Certification ≠ Counting
- Self Performance in Scope
- DBE Provision attached

KEY FLOWDOWN PROVISIONS (CONT'D)



READ AND KNOW YOUR CONTRACT

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graph TD; A[READ AND KNOW YOUR CONTRACT] --> B[REQUIRED DOCUMENTATION (EEO/E-VERIFY/LABOR/DBE)]; B --> C[TxDOT Compliance systems- DMS and LCPTracker]; C --> D[APPLYING THE REQUIREMENTS];
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REQUIRED DOCUMENTATION
(EEO/E-VERIFY/LABOR/DBE)

TxDOT Compliance systems- DMS
and LCPTracker

APPLYING THE REQUIREMENTS



CONTACTS- TxDOT & Contractor

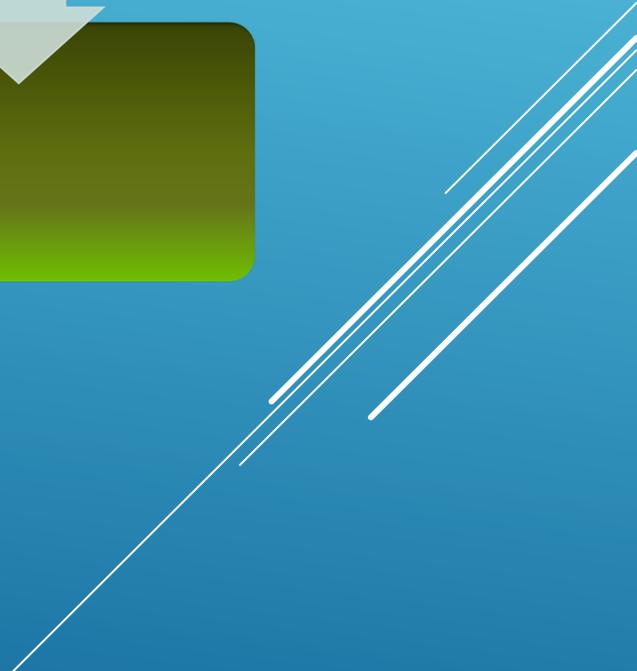


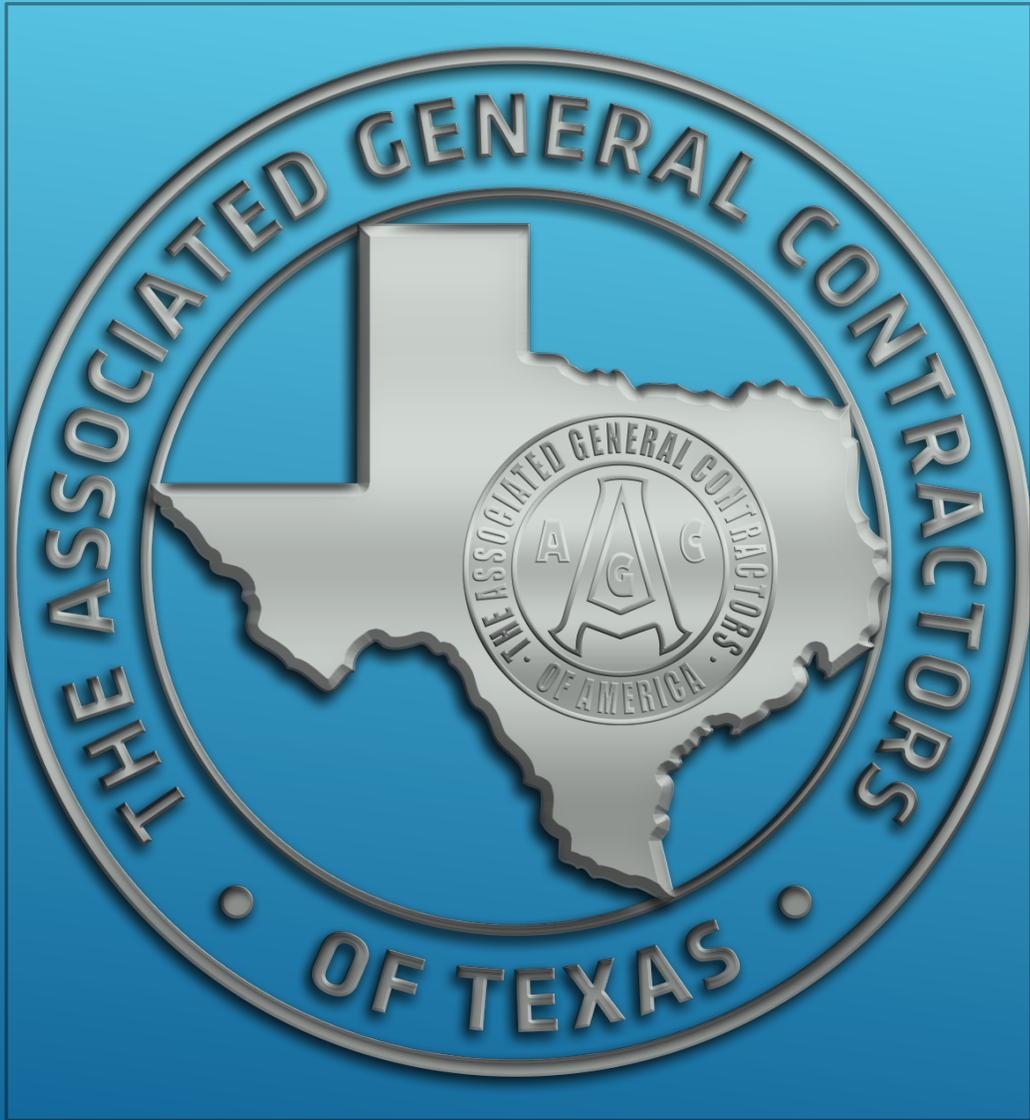
RESOURCES- TxDOT Website



TRAINING- TxDOT & Contractor

KEYS TO CONNECT TO OPPORTUNITIES





QUESTIONS?

