Office of Civil Rights
Preconstruction Conference Information

Instructions: Disseminate a copy with the applicable Preconstruction Minutes:
Construction: MDT-CON-107-01 / MDT-CON-108-03-1 **Maintenance**: MDT-CON-010

Compliance Requirements

23 CFR Appendix A to Subpart C of Part 230 II.B.3. requires MDT to advise the contractor of the EEO contract requirements at any preconstruction conference held in connection with a Federal-aid contract.

This document outlines the compliance requirements for the Office of Civil Rights. Requirements associated with this project are:

- Equal Employment Opportunity (EEO) and Non-Discrimination (pages 1 - 3)
- On-the-Job Training (OJT) (page 3)
- Subcontractor Payment Reporting (page 4)
- Disadvantaged Business Enterprise (DBE) & Small Business Enterprise (SBE) (page 4)
- Americans with Disabilities Act (ADA) (page 5)

Equal Employment Opportunity (EEO) and Non-Discrimination Compliance

Required Contract Provisions, Federal-Aid Construction Contracts (FHWA 1273), sections I through III outline the contractor's Equal Employment Opportunity (EEO) and nondiscrimination requirements. These requirements are current as of today and are ***subject to change*** as federal code and the FHWA-1273 are revised.

FHWA 1273 applies to and ***must*** be incorporated into all tiers of subcontracts. These provisions can be found at: https://www.mdt.mt.gov/other/webdata/external/civilrights/FHWA_1273.pdf

The **EEO Affirmative Action Requirements** specify a statewide employment goal of 6.9 percent females in each trade and an assigned percentage goal by county for minorities in each trade. These goals can be found at: https://www.mdt.mt.gov/other/webdata/external/civilrights/special-provisions-eeo.pdf

As a contractor on a Federal-Aid Construction Project with the Montana Department of Transportation, whenever an opportunity to hire presents itself, the contractor and all subcontractors must exercise every good faith effort to recruit minorities and females to fill vacant positions.

Annual EEO Policy Statement: The prime contractor and all subcontractors must have their Annual EEO Policy Statement in place ***prior to any work*** on the project. They expire on December 31st each year. Contractors may not be on a project site without their current year EEO Policy Statement.

Complete and submit the web form found at: https://www.mdt.mt.gov/business/contracting/civil/eeo-form.aspx. A link to a confirmation letter with a unique reference number will be displayed in your web browser. This document may be saved or printed for reference. ***MDT does not issue approval letters.*** A copy of your company's EEO Policy Statement will be emailed to the EEO Officer you designate. It will contain a list of protected classes recognized both federally and in the State of Montana.

EEO Policy Statements are available in Spanish and additional languages upon request.

Subcontractors are responsible for providing their EEO Policy Statement to the prime contractor for the bulletin board prior to work beginning on the project. Subcontractors added to the contract after work has begun shall provide their EEO Policy Statement as soon as it is available and before they begin work on the project.

Confirm the Prime contractor's EEO Officer's name at the preconstruction meeting.

All employees need to know who their EEO Officer is. They are MDT's primary contact for EEO-related communication. This person is expected to attend compliance reviews and must be able to demonstrate what affirmative action has been taken by the prime and each subcontractor to recruit minority and female employees.

Bulletin Boards: 23 CFR Appendix A to Subpart A of Part 230 4.b.(1) requires all notices and posters to be placed on all federal-aid projects in areas readily accessible to employees and potential employees, on project sites where work is performed. The ***purpose*** is to convey to contractors' employees and potential employees the protections and privileges to which they are entitled.

Prime contractors are responsible for erecting a bulletin board prior to work commencing on the project. The prime contractor will work with the Engineering Project Manager / Maintenance Superintendent or their designee to identify the most appropriate format and location for their board given the unique aspects of the project. Encouraged locations include staging areas or along project roadways. All subcontractors' EEO Policy Statements must be posted before any work on the project and remain for the duration of the project. Binders are not compliant with these posting requirements.

Refer to the **Bulletin Board Resource Guide** (https://www.mdt.mt.gov/other/webdata/external/civilrights/Bulletin_Board_Resource_Guide.pdf) posted on MDT's Contractor Compliance website for details and examples regarding location, format, contents, special handling of contract-specific documents, and requirements for mobile/geographically large/district-wide projects.

Confirm the location of the bulletin board at the Preconstruction meeting**.** Boards and board materials must be:

- Located in a safe location.
- Accessible to all, including those in a seated position, and provided in languages understood by the contractors' employees.
- Available 24/7.
- Legible with a minimum 10-point font, not faded or water damaged, and all posters in required sizes.

EEO Required **Bulletin Board Materials** can be downloaded in English or Spanish at: https://www.mdt.mt.gov/business/contracting/civil/cc-bulletin.aspx. Additional languages can be requested by emailing the Contractor Compliance Program Manager.

Primes can check the **EEO Submission List** at https://app.mdt.mt.gov/ess-eeo/ to see if their subs have their EEO Policy Statements for the current year.

All employees of the prime contractor and subcontractors must know the location of the project bulletin board.

Confirm the on-site EEO meeting frequency at the preconstruction meeting. On-site EEO meetings must be conducted at least monthly.

The MDT Engineering Project Manager / Maintenance Superintendent will be notified when the EEO on-site meeting will be held. EEO Worksite Meeting Topics can be found on our website at https://www.mdt.mt.gov/other/webdata/external/civilrights/eeo-worksite-topics.pdf

Field Inspections: EEO Compliance inspections will be conducted during working hours by the Office of Civil Rights staff or by members of the MDT Engineering Project Manager's / Maintenance Superintendent's staff.

Reporting:

- **FHWA 1391:** Prime contractors and all tiers of their subcontractors, where the ***Prime contract is $10,000 or more,*** must complete the FHWA 1391 for work performed in July. The report contains a count of individuals in each work classification by gender and ethnicity and includes apprentices and on-the-job trainees. Reporting notices are sent out in late July, and due by August 31 each year.
- **Contractor's EEO Activity Report:** All contractors who perform work in a construction season are required to report on EEO training provided to supervisory staff and office personnel, and discrimination complaints received. Reporting notices are sent out in early November and cover the current calendar year only. Failure to submit this report will result in next year's EEO Policy Statement being delayed.

Training Special Provision (On-the-Job Training Goal)

Confirm the OJT goal required by contract at the preconstruction conference.

The intent of the Training Special Provision is to:

1. Establish apprenticeship and training programs targeted to move individuals into journey-level positions.
2. Ensure a competent workforce is available to meet highway construction hiring needs.
3. Address historical under-representation in the highway construction industry of women, minorities, and other individuals from disadvantaged backgrounds.

If the training position is filled with other than an individual from bullet #3 above, the contractor must be able to provide documentation of recruitment efforts to meet the intent of the program.

Please note the point of contact has changed to the Office of Civil Rights. Form numbers have changed as well. They can be found under the OJT section of the Contractor Compliance web page.

Training Program Approval must be submitted to the Office of Civil Rights with the Engineering Project Manager's recommendation for approval at least 15 days prior to commencing construction for the project.

Trainees must be assigned to the project as soon as the specified work begins.

Trainee Pay must be at least the approved rate for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination.

Be sure to mark the applicable OJT or Apprenticeship indicator on the certified payrolls to designate training hours in the approved training classification(s). Discontinue using the indicator once training is completed.

Monthly Progress Reports must be submitted to the Engineering Project Manager no later than the 10th of the month following the month being reported. The Engineering Project Manager will verify the hours reported reflect hours on the certified payrolls, then submit them to the Office of Civil Rights for approval. Reimbursement will be made on the next estimate. OCR approval and reimbursement will not be rushed for late submissions.

Contact: Contractor Compliance Program Manager (406) 444-6945 or cferguson@mt.gov

Subcontractor Payment Reporting

Report payment information for all subcontractors and suppliers to the Department within the timeframes shown below. Identify any payments that have been withheld from subcontractors or suppliers.

- Prime contractors with first tier subcontractors or suppliers within 7 calendar days of payment from MDT.
- Subcontractors with lower tier subcontractors or suppliers within 7 calendar days of payment from their parent contractor.

Submit payment information at the following link: https://app.mdt.mt.gov/spr//

Provide the Subcontractor Payment Reporting contact name and email.

Contact: Subcontractor Payment Reporting Access/Help mdtdbeprogram@mt.gov

Disadvantaged Business Enterprise (DBE) Compliance and Small Business Enterprise (SBE) Compliance

MDT's DBE Program Plan, including the Policy Statement and Small Business Participation measures are located here: http://www.mdt.mt.gov/other/webdata/external/civilrights/dbe/program-guide.pdf

DBE/SBE Goals
MDT goals are on hold due to the interim final rule dated October 3, 2025.

The contractor must utilize the specific DBE/SBEs listed to perform the work and supply the materials for which each is listed. If it is determined that the scheduled DBE/SBE is unable to perform for any reason, the prime contractor may only replace the DBE/SBE subcontractor by obtaining written consent as described in the Termination or Substitution of DBE/SBE procedures outlined in the Department's DBE/SBE Program Plan.

Contact: DBE Program Supervisor (406) 444-0841 or mdtdbeprogram@mt.gov

Americans with Disabilities Act (ADA) Compliance

MDT's ADA Transition Plan directs the department's efforts to provide an accessible transportation system within the state of Montana. The plan provides an overview of MDT's external ADA program, outlines MDT's mission and ADA policy, and identifies methods to assist MDT in complying with ADA regulations.
https://www.mdt.mt.gov/pubinvolve/ada/docs/ADATransitionPlan-FINAL-withAppendices.pdf

In all cases, MDT designs and constructs ADA features in compliance with ADA requirements to the maximum extent feasible. Installation of ADA features during construction needs to be compliant and the measurements documented to show that barriers were removed.

Forms for ramp documentation are available at the following links:

- Combination Parallel-Perpendicular Ramp: http://www.mdt.mt.gov/other/webdata/external/const/forms/ADA_Documentation/MDT-CON-608_Combination.xlsx
- Depressed Corner: http://www.mdt.mt.gov/other/webdata/external/const/forms/ADA_Documentation/MDT-CON-608_Depressed_Corner.xlsx
- Parallel Ramp: http://www.mdt.mt.gov/other/webdata/external/const/forms/ADA_Documentation/MDT-CON-608_Parallel.xlsx
- Perpendicular Ramp: http://www.mdt.mt.gov/other/webdata/external/const/forms/ADA_Documentation/MDT-CON-608_Perpendicular.xlsx
- Perpendicular Ramp – Shared Landing: http://www.mdt.mt.gov/other/webdata/external/const/forms/ADA_Documentation/MDT-CON-608_Shared_Landing.xlsx

Save completed forms in the MDT electronic project file.

Contact: ADA Coordinator (406) 444-5416 or mmaze@mt.gov