**AUTHORIZATION FORM FOR PRECONSTRUCTION MEETING**

This form is to be reviewed and completed by the prime contractor. The preconstruction meeting will not be scheduled until this completed form is returned to South Dakota DOT’s Area Office.

**DOT Area Office & Address:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**PROJECT NUMBER:**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PCN**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **COUNTY**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**TYPE OF CONSTRUCTION**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**PRIME CONTRACTOR** (NAME AND ADDRESS): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**NAME OF CONTRACTOR REPRESENTATIVE COMPLETING THIS FORM** (Please Print):

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The following provisions are to be reviewed. The underlined text, below, are links to the most

recent electronic documents. To certify that you have read and understand each of the Provisions under each of the main topics; please sign and date below and also please initial each main topic below.

Name Printed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **Subcontract Approval and Required Contract Provisions**

If you plan to sublet a portion of the contract work, a Request to Sublet Work, [Form DOT-202](https://www.state.sd.us/eforms/secure/eforms/E0935V5-RequestToSublet.pdf), must be signed by the prime contractor and sent to the address listed in the lower left-hand corner of the form PRIOR to such sublet work being performed. If a *subcontractor* plans to sublet a portion of their work, the Request to Sublet Work form must be signed by the PRIME CONTRACTOR then submitted to the DOT. The SDDOT’s Subletting of Contract Standard Specification, [Section 8.1](http://www.sddot.com/business/contractors/Specs/default.aspx) stipulates the requirements for obtaining written consent to sublet work, limits the percent of work that may be sublet, defines what the Department will not consider as subcontracting and defines the project limits.

The form [FHWA-1273 Required Contract Provisions, dated May 1, 2012](http://www.sddot.com/business/contractors/docs/FHWA1273.pdf) and the [SD-1273 South Dakota Special Provision for Required Contract Provisions, dated July 18, 2012](http://www.sddot.com/business/contractors/docs/SD1273.pdf) 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). 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, as stipulated in Section I.(3) of the FHWA-1273.

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| I have read and understand the requirements of Section I. |  |

**II. PROJECT BULLETIN BOARD POSTER REQUIREMENTS**

1. The bulletin board poster requirements for the various types of South Dakota Department of Transportation's (SDDOT's) highway construction or repair projects are listed on the [Bulletin Board Requirements](http://sddot.com/business/contractors/labor/bulletinboard/Default.aspx) web page.
2. The appropriate posters are to be posted by the prime contractor. The posters MUST be displayed on a weatherproof bulletin board in a conspicuous and accessible location to the employees who are working at the construction project site. In addition, each subcontractor whose subcontract is $10,000 or more is required to post the EEO #7 poster.
3. The following posters (indicated with an “X”) have been provided to you for this project:

X U.S. DOL Davis-Bacon Wage Decision poster

X [WH-1321 Davis-Bacon Employee Rights (English)](http://sddot.com/business/contractors/docs/WH1321English.pdf) (formerly FHWA-1495 "Important" poster)

X [WH-1321 Davis-Bacon Employee Rights (Spanish)](http://sddot.com/business/contractors/docs/WH1321SpanishPoster.pdf)

X [FHWA-1022 "Notice" poster (English)](http://sddot.com/business/contractors/docs/FHWA1022English.pdf) ( (Whoever knowingly makes any false statement or false representation as to a material fact in any statement, certified, or report submitted pursuant to the provisions of the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355) as amended and supplemented, is subject to applicable State and Federal laws, including Title 18, United States Code, Section 1020)

X [FHWA-1022 “Notice” poster (Spanish)](http://sddot.com/business/contractors/docs/FHWA1022Spanish.pdf)

X EEO #1 "Equal Employment Opportunity is THE LAW"

X EEO #7 (EEO Policy Statement & Company EEO Officer)

X Job Safety & Health Protection (OSHA)

X [WH-1462 Employee Polygraph Protection Act (English](http://sddot.com/business/contractors/docs/eppac.pdf)

X [WH-1462 Employee Polygraph Protection Act (Spanish)](http://sddot.com/business/contractors/docs/eppaspan.pdf)

* [\*WH-1420 Your Rights Under the Family Medical Leave Act (English)](http://sddot.com/business/contractors/docs/fmlaen.pdf)
* \*[WH-1420 Your Rights Under the Family Medical Leave Act (Spanish)](http://sddot.com/business/contractors/docs/fmlasp.pdf)

\* If a company employs more than 50 employees and 50 or more employees of this company are working within 75 miles of the project site, this poster is required to be posted. If your company meets this requirement, please print and post the WH-1420 poster on the project bulletin board.

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| I have read and understand the requirements of Section II. |  |

**III. LABOR COMPLIANCE AND DAVIS-BACON & RELATED ACTS (DBRA) REQUIREMENTS**

1. The Davis-Bacon & Related Acts (DBRA) minimum wage and payroll requirements apply to Federal-aid construction contracts of $2,000 or more, and to SDDOT’s State-funded highway construction contracts of $100,000 or more.
2. Minimum wage requirements and payroll reporting requirements are specifically set forth in: 1) the U.S. DOL Wage Decision, 2) the FHWA-1273 Required Contract Provisions, and 3) the SDDOT Special Provisions, of which all three are contained in the proposal/contract documents and all three shall be physically included in each subcontract.
3. Additional Labor Compliance information for contractors is available at: <http://sddot.com/business/contractors/labor/Default.aspx>. This web site has links to the most current U.S. DOL Wage Decision, SDDOT payroll forms and instructions, defined work classifications, important subcontract requirements, and bulletin board requirements. It is the responsibility of the Contractor to visit this site, and to ensure that each subcontractor visits this site. Ignorance or lack of knowledge as to the information available at this web site or in the Required Contract Provisions will not be an acceptable defense for not complying with the required regulations or specifications.
4. Each prime contractor and each subcontractor that performs any project work during a work week must submit a Weekly Certified Payroll Report accompanied with a SDDOT Contractor’s Statement of Compliance form, directly to the SDDOT. The mailing address is: SDDOT Office of Labor Compliance, 700 E. Broadway Avenue, Pierre SD 57501-2586.
5. Failure of a contractor or a subcontractor to submit the required weekly payroll reports to SDDOT within seven days following the weekly payment of wages, as stipulated in 29 CFR 3.4 and 29 CFR 5.9, will result in suspension of contract pay estimates. The Contractor may receive only one written notice prior to suspension.
6. The Labor/EEO Compliance handouts will be distributed twice each season to all persons employed on all Federal-Aid Projects. The Office of Labor Compliance will provide these handouts and will coordinate distribution time with DOT Project Personnel.
7. The U.S. Department of Labor’s Office of Federal Contract Compliance Programs (OFCCP) regulations prohibit retaliatory actions. Employers may not intimidate, threaten, coerce, or discriminate against any employee for participating in any manner during a wage and hour review or in exercising his/her right to file a wage complaint. If this office discovers retaliation actions of this nature against any of your employees, the SDDOT is required to notify the OFCCP.

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| I have read and understand the requirements of Section III. |  |

1. **EEO (Equal Employment Opportunity) Requirements**

EEO requirements and information is found at: <http://www.sddot.com/services/civil/eeo.aspx>

Equal Employment requirements for this project are found in two special provisions which are included in all contracts and must be included in all subcontracts. Those provisions are found at: <http://www.sddot.com/services/civil/forms/default.aspx>.

EEO provisions apply to all federal-aid contracts and subcontracts over $10,000.

Contractors (and subcontractors) agree to be an EEO employer by signing the federal-aid contract (or subcontract). By their signature, these employers have agreed that all personnel matters for projects will be handled without regard to race, creed, color, sex, disability, age, religion or national origin. The general requirements include but are not limited to:

1. Adopt an EEO policy
2. Company policy must be posted on the job site bulletin boards (EEO #7 Poster)
3. Disseminate the policy to the workers through various means including company meetings, written notices, employee handbook, etc.
4. Post EEO is the Law Posters and EEO #7 (Policy Statement & Notification of EEO Officer) on the job site
5. Identify an EEO Officer and establish in writing the job duties
6. Agree to adhere to Minority & Female Employment Goals
7. Establish an EEO Affirmative Action Plan
8. Actively recruit beyond the traditional sources to attract minority/female applicants such as TERO/TECRO Offices and other minority referral sources
9. Review all personnel actions to ensure actions taken are in compliance with company EEO policy
10. Develop a basic complaint procedure
11. Retain records of employment and personnel actions for a three year period from the date of project closing
12. Complete the EEO #1391 form for including all federal-aid projects on one form.
13. Other areas as specified in the special provisions.

EEO Compliance reviews, if scheduled for this, or any other federal project will focus on the Contractor’s compliance with ALL of the EEO requirements and documentation of such compliance, thus the Contractor must have all EEO documentation in his file.

The Contractor is to submit the EEO #7 at the preconstruction meeting. An EEO #7 is required for all subcontractors over $10,000 (one copy for Area Office file, one copy is to be on the bulletin board).

Ensure EEO posters are on project bulletin board:

* 1. EEO #1 – Equal Opportunity is the Law (English & Spanish)
	2. EEO #7 - Company EEO policy/officer – If not previously submitted.
	3. OSHA 3165 – OSHA Safety Poster (English)
	4. OSHA 3167 – OSHA Safety Poster (Spanish)

Copies of the above notices MUST be displayed on a weatherproof bulletin board in a conspicuous and accessible location(s). If subcontractors utilize the prime’s board they need not post their own EEO is the Law (EEO #1 Poster) but they must have an EEO # 7. Faded and weathered posters should promptly be replaced.

Minority and Female Employment Goals

1. Female employment goals are as specified in the contract. To the extent possible this goal is to be achieved for each major job classification.
2. Minority employment goals are as specified in the contract by county wherein the project is located. Again, this goal applies to each major job classification.

Documentation of the meeting to inform employees of the Contractor’s EEO policy.

1. Notify the Project Engineer of the time, date and location of the meeting.
2. At least one meeting should be held on the Contractor’s EEO Policy every six months on the project.

EEO #1391 – Every Contractor and subcontractor with a federal-aid (sub) contract of $10,000 or more shall submit this form only for a designated period in July ( last full pay period in the month of July). Forms, instructions, etc., will be sent directly to the prime Contractor and all subcontractors from the Civil Rights Office and the forms will be returned to that office. This is a condition of the contract and failure to submit may result in withholding of progress payments until compliance is achieved.

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| I have read and understand the requirements of Section IV. |  |

1. **On-the-Job Training Requirements (if OJT Special Provision included in proposal)**

The Contractor's obligations in terms of providing training is as set out in training materials that were mailed to the Contractor’s home office earlier and as specified in the Training Special Provision.

The Civil Rights office will mail a packet of OJT information to the applicable prime contractor that includes instructions and forms.

Targeted groups for training program are minorities and females. It may also be possible to upgrade current employees. Contact the Civil Rights Program for further information.

At the preconstruction meeting, the Contractor (or sub if applicable) should provide a list of training program(s)/trainee name(s) to be utilized on this project. If unable to supply the information at the time of the preconstruction meeting, it must be submitted to the Area Office prior to the start of work.

The appropriate original trainee registration form must be filed with the Civil Rights Office within two weeks after training begins. It must be a signed original trainee registration. **Duplicates, facsimiles or emailed copies are not acceptable**. The original of the approved registration will be sent to Area Office and copy to the Contractor. Late trainee registrations may result in sanctions.

Trainees must be clearly identified on payroll by classification as "Form Builder Trainee", or "Scraper Trainee", etc.

Monthly Trainee Status Report -(separate report for each trainee) only at 1) termination; 2) suspension or layoff; 3) graduation, 4) monthly-last full week. One copy of the monthly status report should be sent directly to Civil Rights Office within 30 days of the final pay period for the month. Monthly status reports may be faxed, emailed or sent via US Mail. Late monthly status reports may result in project sanctions.

All SDDOT Training Program materials and instructions are found on the Internet site at: <http://www.sddot.com/services/civil/ojt.aspx>. The SDDOT/AGC OJT Manual is also available on the Internet site.

Mailing information for the OJT Registrations forms and Monthly status reports is found on the forms.

Contact the Civil Rights Office (605) 773-3540 if there are questions regarding the OJT program.

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| I have read and understand the requirements of Section V. |  |

1. **DISADVANTAGE BUSINESS ENTERPRISE (DBE) REQUIREMENTS**
2. The DBE listed on the commitment form 289R/C or 289R/N must perform a commercially useful function by performing, managing and supervising the work involved.
3. Substitutions of DBEs listed on form 289R/C (with a DBE goal) must first be approved by the DBE Compliance Officer. For specific requirements, refer to the DBE Special Provision.
4. Twice a year while project is ongoing and within 30 days of the date of the Acceptance of Field Work on the contract, the contractor is required to submit a DOT 289 (Certification of DBE Performance and Payments) to the DOT Area Office.

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| I have read and understand the requirements of Section VI. |  |