

1 (October 3, 2022)  
2 Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive  
3 Order 11246)  
4

- 5 1. The Contractor's attention is called to the Equal Opportunity Clause and the  
6 Standard Federal Equal Employment Opportunity Construction Contract  
7 Specifications set forth herein.  
8  
9 2. The goals and timetables for minority and female participation set by the Office of  
10 Federal Contract Compliance Programs, expressed in percentage terms for the  
11 Contractor's aggregate work force in each construction craft and in each trade on  
12 all construction work in the covered area, are as follows:  
13

14 Women - Statewide

15 Timetable

16 Goal

17  
18 Until further notice 6.9%

19 Minorities - by Standard Metropolitan Statistical Area (SMSA)  
20

21 Spokane, WA:

22 SMSA Counties:

23 Spokane, WA 2.8

24 WA Spokane.

25 Non-SMSA Counties 3.0

26 WA Adams; WA Asotin; WA Columbia; WA Ferry; WA Garfield; WA  
27 Lincoln, WA Pend Oreille; WA Stevens; WA Whitman.  
28

29 Richland, WA

30 SMSA Counties:

31 Richland Kennewick, WA 5.4

32 WA Benton; WA Franklin.

33 Non-SMSA Counties 3.6

34 WA Walla Walla.  
35

36 Yakima, WA:

37 SMSA Counties:

38 Yakima, WA 9.7

39 WA Yakima.

40 Non-SMSA Counties 7.2

41 WA Chelan; WA Douglas; WA Grant; WA Kittitas; WA Okanogan.  
42

1	Seattle, WA:	
2	SMSA Counties:	
3	Seattle Everett, WA	7.2
4	WA King; WA Snohomish.	
5	Tacoma, WA	6.2
6	WA Pierce.	
7	Non-SMSA Counties	6.1
8	WA Clallam; WA Grays Harbor; WA Island; WA Jefferson; WA Kitsap;	
9	WA Lewis; WA Mason; WA Pacific; WA San Juan; WA Skagit; WA	
10	Thurston; WA Whatcom.	
11		
12	Portland, OR:	
13	SMSA Counties:	
14	Portland, OR-WA	4.5
15	WA Clark.	
16	Non-SMSA Counties	3.8
17	WA Cowlitz; WA Klickitat; WA Skamania; WA Wahkiakum.	
18		

19 These goals are applicable to each nonexempt Contractor's total on-site  
20 construction workforce, regardless of whether or not part of that workforce is  
21 performing work on a Federal, or federally assisted project, contract, or subcontract  
22 until further notice. Compliance with these goals and time tables is enforced by the  
23 Office of Federal Contract compliance Programs.

24  
25 The Contractor's compliance with the Executive Order and the regulations in 41  
26 CFR Part 60-4 shall be based on its implementation of the Equal Opportunity  
27 Clause, specific affirmative action obligations required by the specifications set  
28 forth in 41 CFR 60-4.3(a), and its efforts to meet the goals. The hours of minority  
29 and female employment and training must be substantially uniform throughout the  
30 length of the contract, in each construction craft and in each trade, and the  
31 Contractor shall make a good faith effort to employ minorities and women evenly on  
32 each of its projects. The transfer of minority or female employees or trainees from  
33 Contractor to Contractor or from project to project for the sole purpose of meeting  
34 the Contractor's goal shall be a violation of the contract, the Executive Order and  
35 the regulations in 41 CFR Part 60-4. Compliance with the goals will be measured  
36 against the total work hours performed.

- 37  
38 3. The Contractor shall provide written notification to the Office of Federal Contract  
39 Compliance Programs (OFCCP) within 10 working days of award of any  
40 construction subcontract in excess of \$10,000 or more that are Federally funded, at  
41 any tier for construction work under the contract resulting from this solicitation. The  
42 notification shall list the name, address and telephone number of the subcontractor;  
43 employer identification number of the subcontractor; estimated dollar amount of the  
44 subcontract; estimated starting and completion dates of the subcontract; and the  
45 geographical area in which the contract is to be performed. The notification shall  
46 be sent to:

47  
48 U.S. Department of Labor  
49 Office of Federal Contract Compliance Programs Pacific Region  
50 Attn: Regional Director  
51 San Francisco Federal Building  
52 90 – 7<sup>th</sup> Street, Suite 18-300

- 4 4. As used in this Notice, and in the contract resulting from this solicitation, the  
5 Covered Area is as designated herein.  
6

7 Standard Federal Equal Employment Opportunity Construction Contract Specifications  
8 (Executive Order 11246)  
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- 10 1. As used in these specifications:  
11

12 a. Covered Area means the geographical area described in the solicitation  
13 from which this contract resulted;  
14

15 b. Director means Director, Office of Federal Contract Compliance  
16 Programs, United States Department of Labor, or any person to whom the  
17 Director delegates authority;  
18

19 c. Employer Identification Number means the Federal Social Security  
20 number used on the Employer's Quarterly Federal Tax Return, U. S.  
21 Treasury Department Form 941;  
22

23 d. Minority includes:  
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25 (1) Black, a person having origins in any of the Black Racial Groups  
26 of Africa.  
27

28 (2) Hispanic, a fluent Spanish speaking, Spanish surnamed person  
29 of Mexican, Puerto Rican, Cuban, Central American, South  
30 American, or other Spanish origin.  
31

32 (3) Asian or Pacific Islander, a person having origins in any of the  
33 original peoples of the Pacific rim or the Pacific Islands, the  
34 Hawaiian Islands and Samoa.  
35

36 (4) American Indian or Alaskan Native, a person having origins in  
37 any of the original peoples of North America, and who maintain  
38 cultural identification through tribal affiliation or community  
39 recognition.  
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- 41 2. Whenever the Contractor, or any subcontractor at any tier, subcontracts a portion of  
42 the work involving any construction trade, it shall physically include in each  
43 subcontract in excess of \$10,000 the provisions of these specifications and the  
44 Notice which contains the applicable goals for minority and female participation and  
45 which is set forth in the solicitations from which this contract resulted.  
46

- 47 3. If the Contractor is participating (pursuant to 41 CFR 60-4.5) in a Hometown Plan  
48 approved by the U.S. Department of Labor in the covered area either individually  
49 or through an association, its affirmative action obligations on all work in the Plan  
50 area (including goals and timetables) shall be in accordance with that Plan for  
51 those trades which have unions participating in the Plan. Contractors must be able  
52 to demonstrate their participation in and compliance with the provisions of any such

- 1 Hometown Plan. Each Contractor or subcontractor participating in an approved  
2 Plan is individually required to comply with its obligations under the EEO clause,  
3 and to make a good faith effort to achieve each goal under the Plan in each trade in  
4 which it has employees. The overall good faith performance by other Contractors  
5 or subcontractors toward a goal in an approved Plan does not excuse any covered  
6 Contractor's or subcontractor's failure to take good faith effort to achieve the Plan  
7 goals and timetables.  
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- 9 4. The Contractor shall implement the specific affirmative action standards provided in  
10 paragraphs 7a through 7p of this Special Provision. The goals set forth in the  
11 solicitation from which this contract resulted are expressed as percentages of the  
12 total hours of employment and training of minority and female utilization the  
13 Contractor should reasonably be able to achieve in each construction trade in  
14 which it has employees in the covered area. Covered construction contractors  
15 performing construction work in geographical areas where they do not have a  
16 Federal or federally assisted construction contract shall apply the minority and  
17 female goals established for the geographical area where the work is being  
18 performed. The Contractor is expected to make substantially uniform progress in  
19 meeting its goals in each craft during the period specified.  
20
- 21 5. Neither the provisions of any collective bargaining agreement, nor the failure by a  
22 union with whom the Contractor has a collective bargaining agreement, to refer  
23 either minorities or women shall excuse the Contractor's obligations under these  
24 specifications, Executive Order 11246, or the regulations promulgated pursuant  
25 thereto.  
26
- 27 6. In order for the nonworking training hours of apprentices and trainees to be counted  
28 in meeting the goals, such apprentices and trainees must be employed by the  
29 Contractor during the training period, and the Contractor must have made a  
30 commitment to employ the apprentices and trainees at the completion of their  
31 training, subject to the availability of employment opportunities. Trainees must be  
32 trained pursuant to training programs approved by the U.S. Department of Labor.  
33
- 34 7. The Contractor shall take specific affirmative actions to ensure equal employment  
35 opportunity. The evaluation of the Contractor's compliance with these  
36 specifications shall be based upon its effort to achieve maximum results from its  
37 action. The Contractor shall document these efforts fully, and shall implement  
38 affirmative action steps at least as extensive as the following:  
39
- 40 a. Ensure and maintain a working environment free of harassment,  
41 intimidation, and coercion at all sites, and in all facilities at which the  
42 Contractor's employees are assigned to work. The Contractor, where  
43 possible, will assign two or more women to each construction project. The  
44 Contractor shall specifically ensure that all foremen, superintendents, and  
45 other on-site supervisory personnel are aware of and carry out the  
46 Contractor's obligation to maintain such a working environment, with  
47 specific attention to minority or female individuals working at such sites or  
48 in such facilities.  
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- 50 b. Establish and maintain a current list of minority and female recruitment  
51 sources, provide written notification to minority and female recruitment  
52 sources and to community organizations when the Contractor or its unions

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- have employment opportunities available, and maintain a record of the organizations' responses.
- c. Maintain a current file of the names, addresses and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source or community organization and of what action was taken with respect to each such individual. If such individual was sent to the union hiring hall for referral and was not referred back to the Contractor by the union or, if referred, not employed by the Contractor, this shall be documented in the file with the reason therefor, along with whatever additional actions the Contractor may have taken.
  - d. Provide immediate written notification to the Director when the union or unions with which the Contractor has a collective bargaining agreement has not referred to the Contractor a minority person or woman sent by the Contractor, or when the Contractor has other information that the union referral process has impeded the Contractor's efforts to meet its obligations.
  - e. Develop on-the-job training opportunity and/or participate in training programs for the area which expressly include minorities and women, including upgrading programs and apprenticeship and trainee programs relevant to the Contractor's employment needs, especially those programs funded or approved by the U.S. Department of Labor. The Contractor shall provide notice of these programs to the sources compiled under 7b above.
  - f. Disseminate the Contractor's EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting the Contractor in meeting its EEO obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newspaper, annual report, etc.; by specific review of the policy with all management personnel and with all minority and female employees at least once a year; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.
  - g. Review, at least annually, the company's EEO policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions including specific review of these items with on-site supervisory personnel such as Superintendents, General Foremen, etc., prior to the initiation of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.
  - h. Disseminate the Contractor's EEO policy externally by including it in any advertising in the news media, specifically including minority and female news media, and providing written notification to and discussing the Contractor's EEO policy with other Contractors and Subcontractors with whom the Contractor does or anticipates doing business.

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- i. Direct its recruitment efforts, both oral and written to minority, female and community organizations, to schools with minority and female students and to minority and female recruitment and training organizations serving the Contractor's recruitment area and employment needs. Not later than one month prior to the date for the acceptance of applications for apprenticeship or other training by any recruitment source, the Contractor shall send written notification to organizations such as the above, describing the openings, screening procedures, and tests to be used in the selection process.
  - j. Encourage present minority and female employees to recruit other minority persons and women and where reasonable, provide after school, summer and vacation employment to minority and female youth both on the site and in other areas of a Contractor's work force.
  - k. Validate all tests and other selection requirements where there is an obligation to do so under 41 CFR Part 60-3.
  - l. Conduct, at least annually, an inventory and evaluation of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for, through appropriate training, etc., such opportunities.
  - m. Ensure that seniority practices, job classifications, work assignments and other personnel practices, do not have a discriminatory effect by continually monitoring all personnel and employment related activities to ensure that the EEO policy and the Contractor's obligations under these specifications are being carried out.
  - n. Ensure that all facilities and company activities are nonsegregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.
  - o. Document and maintain a record of all solicitations of offers for subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.
  - p. Conduct a review, at least annually, of all supervisors' adherence to and performance under the Contractor's EEO policies and affirmative action obligations.
8. Contractors are encouraged to participate in voluntary associations which assist in fulfilling one or more of their affirmative action obligations (7a through 7p). The efforts of a contractor association, joint contractor-union, contractor-community, or other similar group of which the Contractor is a member and participant, may be asserted as fulfilling any one or more of the obligations under 7a through 7p of this Special Provision provided that the Contractor actively participates in the group, makes every effort to assure that the group has a positive impact on the employment of minorities and women in the industry, ensure that the concrete benefits of the program are reflected in the Contractor's minority and female work-

1 force participation, makes a good faith effort to meet its individual goals and  
2 timetables, and can provide access to documentation which demonstrate the  
3 effectiveness of actions taken on behalf of the Contractor. The obligation to  
4 comply, however, is the Contractor's and failure of such a group to fulfill an  
5 obligation shall not be a defense for the Contractor's noncompliance.  
6

7 9. A single goal for minorities and a separate single goal for women have been  
8 established. The Contractor, however, is required to provide equal employment  
9 opportunity and to take affirmative action for all minority groups, both male and  
10 female, and all women, both minority and non-minority. Consequently, the  
11 Contractor may be in violation of the Executive Order if a particular group is  
12 employed in substantially disparate manner (for example, even though the  
13 Contractor has achieved its goals for women generally, the Contractor may be in  
14 violation of the Executive Order if a specific minority group of women is  
15 underutilized).  
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17 10. The Contractor shall not use the goals and timetables or affirmative action  
18 standards to discriminate against any person because of race, color, religion, sex,  
19 or national origin.  
20

21 11. The Contractor shall not enter into any subcontract with any person or firm  
22 debarred from Government contracts pursuant to Executive Order 11246.  
23

24 12. The Contractor shall carry out such sanctions and penalties for violation of these  
25 specifications and of the Equal Opportunity Clause, including suspensions,  
26 terminations and cancellations of existing subcontracts as may be imposed or  
27 ordered pursuant to Executive Order 11246, as amended, and its implementing  
28 regulations by the Office of Federal Contract Compliance Programs. Any  
29 Contractor who fails to carry out such sanctions and penalties shall be in violation  
30 of these specifications and Executive Order 11246, as amended.  
31

32 13. The Contractor, in fulfilling its obligations under these specifications, shall  
33 implement specific affirmative action steps, at least as extensive as those  
34 standards prescribed in paragraph 7 of this Special Provision, so as to achieve  
35 maximum results from its efforts to ensure equal employment opportunity. If the  
36 Contractor fails to comply with the requirements of the Executive Order, the  
37 implementing regulations, or these specifications, the Director shall proceed in  
38 accordance with 41 CFR 60-4.8.  
39

40 14. The Contractor shall designate a responsible official to monitor all employment  
41 related activity to ensure that the company EEO policy is being carried out, to  
42 submit reports relating to the provisions hereof as may be required by the  
43 government and to keep records. Records shall at least include, for each  
44 employee, their name, address, telephone numbers, construction trade, union  
45 affiliation if any, employee identification number when assigned, social security  
46 number, race, sex, status (e.g., mechanic, apprentice, trainee, helper, or laborer),  
47 dates of changes in status, hours worked per week in the indicated trade, rate of  
48 pay, and locations at which the work was performed. Records shall be maintained  
49 in an easily understandable and retrievable form; however, to the degree that  
50 existing records satisfy this requirement, the Contractors will not be required to  
51 maintain separate records.  
52

1 15. Nothing herein provided shall be construed as a limitation upon the application of  
2 other laws which establish different standards of compliance or upon the  
3 application of requirements for the hiring of local or other area residents (e.g., those  
4 under the Public Works Employment Act of 1977 and the Community Development  
5 Block Grant Program).  
6

7 16. Additional assistance for Federal Construction Contractors on contracts  
8 administered by Washington State Department of Transportation or by Local  
9 Agencies may be found at:

10  
11 Washington State Dept. of Transportation  
12 Office of Equal Opportunity  
13 PO Box 47314  
14 310 Maple Park Ave. SE  
15 Olympia WA  
16 98504-7314  
17 Ph: 360-705-7090  
18 Fax: 360-705-6801  
19 <http://www.wsdot.wa.gov/equalopportunity/default.htm>