

Economic Opportunity Division, Contract Compliance

Prior to the COVID-19 pandemic, the Contract Compliance section already had plans to update some of our processes. Here are some of the things that we have been working on, and our future plans:

- **FHWA 1391** – This year the FHWA 1391 will be an ITAP application and must be submitted using that portal. We will not accept paper report or Excel reports. The report will also be **ONE per company**, not one per contract. This year’s reporting period to gather data on employees working on federally funded construction contracts is July 19 thru July 25, 2020. The ITAP application will be available beginning on July 18 and close on August 31, 2020. All prime contractors, subcontractors, and haulers working on Federally funded contracts with a value over \$10,000.00 must report their workforce. If your company **does** not have workers present during that time period there is a “No Activity” box to check and then you submit your report.
- **Subcontractor Payment Tracking System (SPT)** - A new version of the SPT system will be available very soon. It will resemble all of the other ITAP application and will have a few added functions such as editing records, and PDF reports for your convenience. One of the biggest changes to the SPT system is the Subcontractor Verification. **All** contracts let as part of the July 2020 regular letting and beyond, will include Special Provision 108-C-264 SUBCONTRACTOR PAYMENT VERIFICATION. All subcontractors, and DBE, MBE, WBE, and IVOSB firms (haulers and suppliers) will be required to verify their payments received from the Prime Contractor no later than 20 days after the end of month in which payment was received. The Prime Contractor is responsible for timely reporting of all payments into the SPT system.
- **DBE-3** - We continue to meet our statewide DBE goal of 10.1%; this past report covering the period of October 1, 2019 thru March 31, 2020 we achieved 12.95% thanks to the Race Neutral participation of our prime contractors. Standard Specification 103.01(g) requires a DBE-3 form be submitted for all DBE subcontractor/lessor/supplier(s) utilized on any federal aid contract, whether or not they were listed on the Affirmative Action Certification. All completed forms should be submitted to: DBE3@indot.IN.gov Our long range plan is for the DBE closeout process to be mostly automated.
- **MBE/WBE/IVOSB-3** – Beginning on July 1st our department will begin closing out the MBE/WBE/IVOSB-3 process much like we have been doing for the DBE program. We will be sending out the notification on contract close-out when the IC-642 has been sent to **the prime contractor** by the district final records section. We ask that beginning July 1 all of the completed MBE/WBE/IVOSB-3 forms be sent to MBE_WBE3@indot.IN.gov please be aware of the “_” between MBE and WBE in the email address.
- **OJT Program** - In the next few weeks, our department will begin working on turning our On the Job Training (OJT) Program into an ITAP application. We contemplate that this will greatly simplify email requirements and will store information so that it can be queried throughout the year. If you have any ideas on functionality as this application is developed, please let us know as we begin this development process by emailing Katie Daniels kdaniels2@indot.in.gov and/or Kent Borggren kborggren@indot.in.gov.
- **Affirmative Action Certification (AAC)** - Thank you to all of the prime contractors who have submitted their DBE quotes to us within the 24 hour required time period after contract letting. It has allowed our department to audit all of the quotes and compare them to the AACs and resolve many of our past questions in a very timely fashion. As a reminder, if the quote does not match what you entered onto the AAC please provide written documentation on the quote as to what was revised. Handwriting out an explanation is just fine- so long as it is legible

and understandable. Also, even if you meet the DBE goal on the contract and you are committed to using additional DBE firms, please include those on the AAC. In the event there is an error on the AAC and you have listed additional DBE participation, we all might avoid a “Good Faith Efforts” hearing on the contract prior to award due to the extra DBE participation.

- **Change in DBE Utilization** – Remember to timely submit your Change in DBE Utilizations as soon as you realize there is an issue with what you have committed to on the AACs. Without an approved Change in DBE Utilization, any work that was performed by someone other than the listed DBE firm will not be paid for by INDOT. Completed Change in DBE Utilizations should be submitted both to DBEChange@indot.IN.gov and the local EEO Officer for tracking purposes.
- **Prompt Payment** - Just as a reminder all contractors are to pay their subcontractors within 10 business days after being paid by INDOT. If a Subcontractor/hauler/supplier feels that they are not being paid timely by the prime contractor, please submit your concerns to Promptpayment@indot.IN.gov and we will investigate any and all of your concerns.
- **SMGR Reports (in ITAP)** – Within ITAP you can look at one of the applications SMGR Reports which gives you several good pieces of information from our SiteManager program. Once you have access to the SMGR Report application you simply enter in your INDOT contract number and you have access to several reports. In the top section, the IC642CLN report will give you information on the whole contract. In the lower section, the Progressive Record Activity will give you information on a specific line item and what has been recorded on a daily basis. This is an easy and quick way to see what work has been recorded for payment by the INDOT or Consultant field staff on a particular contract.

If you have any questions or concerns please let me know at: KBorggren@indot.IN.gov.