

# **Contract Compliance**

## **MARTA's Office of Diversity and Inclusion**

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### **PURPOSE**

The purpose of Compliance Reviews are to ensure that contractors and subcontractors performing work on federally funded construction projects are performing in compliance with the requirements of their contract with MARTA and all applicable Federal laws, regulations, and policies to include:

- Equal Opportunity laws
- Disadvantaged Business Enterprise (DBE) regulation
- Affirmative Action requirements
- Americans with Disabilities Act
- Davis- Bacon Act
- Registered Apprenticeship Programs

To provide early identification of area(s) of non-compliance and the formulation and implementation of appropriate corrective measures; the Office of Diversity and Inclusion (D&I) will ensure that compliance reviews are conducted on multiple occasions for all federally funded or assisted contracts with an initial value of at least \$10,000 and lasting at least twelve (12) months in duration.

DEO will conduct two types of reviews: (1) Project Specific – One project (could include subcontractors), or (2) Area Wide- Two or more projects in one area that are the contractual responsibility of one contractor

The compliance reviews will consist of the following elements that assure the increased participation of minority groups and disadvantaged persons and women on their projects:

- Desk Audits
- Compliance review determinations
- Onsite Reviews
- Remedies for non-compliance

## **POLICY**

It is the policy of the Metropolitan Atlanta Rapid Transit Authority (MARTA) to require that all MARTA federally-assisted construction contracts contain explicit provisions mandating contractor compliance with all **Davis Bacon**, Affirmative Action, Americans with Disabilities Act (ADA), Equal Employment Opportunity (EEO) and Disadvantage Business Enterprise (DBE) laws, Executive Orders, and regulations. Further, MARTA will maintain a proactive and comprehensive contract compliance monitoring program to educate and provide technical assistance to contractors on their compliance obligations, identify instances of non-compliance, and implement timely and effective remedies to address non-compliance. Moreover, MARTA will encourage contractors to establish and maintain policies that provide opportunities for the full utilization of all available training and skill-improvement opportunities to assure the increased participation of minority groups and disadvantaged persons and women on their projects.

### **Equal Employment Opportunity**

Part II – Nondiscrimination in Employment by Government Contractors and Subcontractors

**Executive Order 11246**, as amended by **Executive Order 11375** prohibits federal contractors and federally-assisted construction contractors and subcontractors, who do over \$10,000 in Government business in one year from discriminating in employment decisions on the basis of race, color, religion, sex, or national origin. The Executive Order also requires Government contractors to take affirmative action to ensure that equal opportunity is provided in all aspects of their employment.

**The Davis-Bacon Act**, as amended, requires that each contract over \$2,000 to which the United States or the District of Columbia is a party for the construction, alteration, or repair of public buildings or public works shall contain a clause setting forth the minimum wages to be paid to various classes or laborers and mechanics employed under the contract. Under the provisions of the Act, contractors and their subcontractors are to pay workers employed directly upon the site of the work no less than the local prevailing wages and fringe benefits paid on the projects of a similar character. The Davis- Bacon Act directs the Secretary of Labor to determine such local prevailing wage rates.

## **RESPONSIBILITIES**

MARTA shall provide guidance and direction to contractors in the development and implementation of programs to assure compliance with all Equal Opportunity requirements. Additionally, the Authority will also ensure that contractors on Federal-aid construction

contracts meet all contractual obligations for compliance with Federal laws; regulations and Executive Orders pertaining to Equal Opportunity; Americans with Disabilities Act; and the Disadvantage Business Enterprise (DBE) program. In this regard, the Authority does the following:

Regular compliance checks, which include, but are not limited to:

- Employee interviews to determine correctness of classifications, rates of pay, fringe benefits payments, and hours worked.
- Employment practice reviews and follow-ups on Affirmative Action Plan implementation.
- On-site inspections to check type of work performed, number and classification of workers, and fulfillment of posting requirements.
- Payroll reviews to ensure that payrolls of prime contractors and subcontractors have been submitted on time and are complete and in compliance with contract requirements.
- Comparison of available data, including daily inspector's report and daily logs of construction, to ensure consistency.

Special compliance checks that include:

- Inconsistencies, errors, or omissions detected during regular compliance checks;
- Receipt of a complaint alleging violations (If the complaint is not specific enough, the complainant shall be so advised and invited to submit additional information.);
- Violations of apprentice to journeyman ratios; and
- Show cause determinations.

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<http://www.itsmarta.com/deo-dbe.aspx>