

**KANSAS DEPARTMENT OF TRANSPORTATION
SPECIAL PROVISION TO THE
STANDARD SPECIFICATIONS, EDITION 2007**

HIGHWAY CONSTRUCTION TRAINEES

This training Special Provision supplements the Required Contract Provision entitled "Specific Equal Employment Opportunity Contractual Requirement", dated 11-15-96, latest revision. The number of required training hours under this Special Provision will be as shown on the Proposal Schedule.

BID ITEM

Trainees Highway Construction (Set Price)

UNITS

Hours

A. GENERAL.

1. The primary objective of this Training Special Provision is to provide training opportunities to minorities and women in any skilled construction trade for 2 purposes:
 - To maintain a pool of qualified workers to replace those who leave the workforce.
 - To correct a historical shortage of minorities and women in the construction trades.
2. The bid item for trainees specifies the total minimum number of training hours on this project. These hours can be used to train 1 or more minorities or women in a skilled trade.
3. Hours worked by an approved trainee, working in the assigned craft on this project count toward this project's trainee goal and are reimbursable hours.
4. Approved hours worked on another KDOT project by a trainee assigned to this project, can count toward the individual trainee's training program hours, but are not reimbursable and do not count toward the project training requirements.
5. A union contractor can utilize 1 or more registered minorities or women apprentices in any crafts with the goal of attaining journeyman status. A non-union contractor may train 1 or more minorities or women to fulfill the hour requirement, with the goal of graduation and retention of the trainee.

B. PRE-CONSTRUCTION CONFERENCE.

No contract work may begin until KDOT (the Civil Rights Administrator, Office of Civil Rights) has approved the trainee schedule.

1. Submit a work schedule for the contract.
2. Indicate the estimated hours available for training in each craft.
3. Submit a copy of the training program proposed to be utilized.
4. Submit a DOT Form 1002 Request for Trainee Approval for each trainee.

The Contractor will submit revised work and training schedules if a major change in the contract work occurs.

C. WORK HISTORY.

No individual shall be employed as a trainee in any trade and/or work classification in which such person has successfully completed a training course leading to journeyman status or in which he or she has been previously employed as a journeyman. Detection of individuals in the above categories may be accomplished by including appropriate questions on applications, verifying personal references and checking with KDOT Office of Civil Rights at 785-296-7940.

D. SUBCONTRACTING.

If a Contractor subcontracts a portion of the contract work he may determine how many, if any, of the trainee hours are to be trained by a subcontractor. These training hours are to be shown on the prime Contractor's work schedule at the pre-construction conference. The Contractor shall retain the primary responsibility for meeting the training requirement imposed by this Special Provision and shall ensure that this Training Special Provision is made applicable to such contract.

E. TRAINING PROGRAM.

The minimum length and type of training for each classification will be as established in the training program selected by the Contractor and approved by the KDOT and the FHWA. The training program, shall be approved if it is reasonably calculated to meet the equal employment opportunity obligations of the Contractor, and by the end of the training period, to qualify the average trainee for journeyman status in the classification which training is to be conducted.

Furthermore, apprenticeship programs registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training, or with a State apprenticeship agency recognized by the Bureau, and training programs approved but not necessarily sponsored by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, shall also be considered acceptable; provided it is being administered in a manner consistent with the Equal Employment obligations of Federal-Aid Highway construction contracts. Approval or acceptance of a training program shall be obtained from KDOT prior to commencing work on the project. It is the intention of these provisions that training be provided in skilled construction crafts rather than clerk-typists or secretarial-type positions. Some off-site training is permissible as long as the training is an integral part of an approved training program and does not comprise a significant part of the overall training and provided the hours trained are paid for by the Contractor.

F. TRAINEE WAGES.

Trainees will be paid at least 60 percent of the specified prevailing wage category for the first half of the training period, 75 percent for the third quarter of the training period, and 90 percent for the last quarter of the training period. The appropriate rates approved by the Department of Labor or Transportation, in connection with their existing training programs, shall apply to all trainees being trained in the same classifications and who are covered by this Training Special Provision. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the trainee program does not mention fringe benefits, trainees shall be paid the fringe benefits listed on the wage determination.

G. REIMBURSEMENT.

The Contractor will be reimbursed \$2.00 per hour for training given an employee on the assigned project which is in accordance with an approved training program. Payment for the total number of training hours provided will be determined from the hours shown on the Contractor's certified payroll and DOT Form 231. For each certified payroll that includes trainees, submit a completed DOT Form 231 at the same time. As approved by the Engineer, reimbursement will be made for project hours in excess of the number specified on the Schedules of Prices. This reimbursement will be made even though the Contractor receives additional training program funds from other sources, provided such other sources do not specifically prohibit the Contractor from receiving other reimbursement. Reimbursement for off-site training indicated in Section E is non-reimbursable.

On tied contracts, the actual trainee hours from each project in any combination can be used to achieve the combined total of the original tied contracts project trainee hours.

Payment for Trainees (Highway Construction) may be made by the Engineer to the Contractor on intermediate estimates for actual hours trained on this contract without prior approval or a Contract Change. No payment shall be made to the Contractor if either the failure to provide the required training, or the failure to hire the trainee as a journeyman, is caused by the Contractor and evidences a lack of good faith on the part of the Contractor in meeting the requirements of the Special Provision.

H. DURATION OF TRAINING.

Once a trainee is approved, that individual shall be trained in the designated trade throughout the duration of the contract, whenever such trade is in use on the contract or until the trainee has completed the approved training program. It is normally expected that a trainee will begin training whenever the Engineer determines that the anticipated volume of work to be done in a given classification will be sufficient to justify the beginning of training and will remain on the project as long as training opportunities exist in the work classification or has completed the training program. However, when such training opportunities are suspended or interrupted under the contract which trainees were designated, the Contractor may continue training under other KDOT contracts regardless of their funding. At the conclusion of work on the original project, the contractor may request approval to transfer an ungraduated trainee(s) to another KDOT project with a training requirement. A Contractor will have fulfilled the responsibilities under this Special Provision if acceptable training hours were provided.

No minority or woman apprentice or trainee can be terminated by the Contractor other than for seasonal layoff without a counseling session by the Contractor with the trainee to explain the reason for termination. The Contractor must submit to the Engineer in writing the reasons for the termination and a notice signed by the trainee that the counseling session occurred.

I. CONTRACTOR OBLIGATIONS.

1. Provide the trainee a copy of the program under which training is to be provided.
2. Provide each trainee with a certificate showing the type and length of training satisfactorily completed.
3. Maintain and retain certified payrolls for 3 years after project completion.
4. Complete and submit DOT Form 231 within 5 days after the end of the pay period for each trainee as follows:
 - original signed copy to the trainee
 - retain 1 copy and
 - 1 copy to the Engineer.
5. The Engineer will verify the trainee hours and forward a copy to the Office of Chief Counsel, Civil Rights Section.
6. Provide the trainee detailed data about the wages to be paid at each stage of training and notify the trainee when a phase is complete.

J. SANCTIONS.

Disregard of the requirements of this training Special Provision is considered to be a failure to comply with the EEO provisions of the contract (Required Contract Provision dated 11-15-96, latest revision). As such, it will be pursued by KDOT in accordance with the procedures listed in the Required Contract Provision dated 11-15-96, latest revision).

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Jul-10 Letting