SPECIAL PROVISION (INSERT NUMBER) NATIVE AMERICAN HIRING PROVISION

Preliminary Evaluation 2013-2016

BACKGROUND: The purpose of the Native American Hiring Provision is to outline the requirements and procedures necessary to promote and encourage Native American employment opportunities on WisDOT construction projects located on, partially and adjacent to tribal lands. The provision is applied to both state and federal projects.

The provision was developed in direct consultation with tribes. It was established in response to the statutory limitations the Wisconsin Department of Transportation has to enforce Tribal Employment Rights Ordinances. While the provision is a tool designed to enhanced labor opportunities, the Tribal Labor Advisory Committee and Statewide Native American Labor Initiative has established other tools and resources designed to promote labor enhancements that extend beyond project-by-project hiring.

The provision is designed to stimulate early and meaningful dialog between contractors doing business in tribal communities and tribal workforce development programs. It encourages Native American hiring opportunities through enhanced communications and reporting mechanisms.

EVALUATION PURPOSE: The provision was adopted formally in March of 2013. The provision has been included on fourteen projects from 2013-2016. The Tribal Affairs program is conducted an evaluation of these projects to better understand how the provision is performing. The evaluation will also include, best practices, identify inefficiencies and challenges and recommend ways to enhance the success of the provision. Data will be gathered from CRCS, NAHP Reports provided to Statewide Tribal Affairs and discussions with tribal representatives and contractors. This is only a preliminary summary.

PROVISION REQUIREMENTS: The provision contains three primary areas of implementation.

- **Prebid Requirements**
  - Contact Tribal Representative
  - Submit documentation to WisDOT indicating this contact has been made

- **Post Award Requirements**
  - Contact the Tribal Representative
  - Provide hiring practices/available position information to tribe (within 3 business days)
  - In cooperation with tribe, host the Tribal Coordination Meeting

- **Reporting**
  - At any time during the tribe may request a status reporting on hiring results.
  - A final report must be submitted to Statewide Tribal Affairs
Best Practices

- WisDOT/Tribal planning meeting prior to project advertising
- Maximize pre-bid contact by sharing tribal construction resources, tribal business referrals and tribal coordination meeting expectations
- Monitor Pre-bid contacts/Host pre-bid meeting
- Collect hiring information prior to the coordination meeting and provide referrals
- Collect resumes/applications and distribute to contractors at meetings and/or throughout the life of the project
- Schedule Tribal Coordination meeting early and jointly with tribe/contractor and WisDOT
- Bring individuals seeking employment to the Tribal Coordination meeting – Speed Networking
- Prepare a report format and schedule for contractors and subcontractors

Crsc Reports vs. NaHp Reports

NC 9231-07-70, Lac du Flambeau Pilot (2015)
Total NAHP Hours Reported: 900
Hours Reported CRCS: 3594.2

SE 2060-15-71, Milwaukee County (2016)
Total NAHP Hours Reported: 18 (no subcontractors)
NA Hours Reported in CRCS: 2610.3

*NAHP Reports are tracking what the tribal workforce representative is requesting/CRSC is tracking all Native Americans (self-identify) working on the project.

List of 2013-2016 Projects

<table>
<thead>
<tr>
<th>Contract ID</th>
<th>CNNTLPcn</th>
<th>Contract Description</th>
<th>Vendor Name</th>
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PRELIMINARY CONCLUSIONS:
1. Of the 14 projects examined only 6 projects were complete which does not offer a comprehensive view of how the provision is performing.
2. Enhance WisDOT Project Managers training and provide guidance on when to include the provision and how to implement the provision requirements. (Pilot training provided in Superior in 2017)
3. Revise the provision:
   a. create an efficient pre-bid documentation form for contractors
   b. eliminate the 2 day tribal response requirement
   c. enhance the reporting requirements
4. Provide stronger guidance, FAQ and other materials and training to contractors and tribes to enhance the provision outcomes.
5. Establish and deliver workforce development training/contractor training
6. Enhance utilization of the Statewide Labor Exchange – Native American functions

Next Steps:

- TLAC Coordinator create project forecasting reports for projects close to Tribal land.
- NAHP Report progress at TLAC meetings
- Develop NAHP workgroup consisting of TLAC Representatives, WisDOT, and Tribal leaders, for revision including project managers.
- WisDOT project manager trainings.
- NAHP training held in conjunction with Wisconsin Tribal Transportation Conference