



WISCONSIN DEPARTMENT OF TRANSPORTATION TRIBAL AFFAIRS



SPECIAL PROVISION (INSERT NUMBER) NATIVE AMERICAN HIRING PROVISION

Preliminary Evaluation 2013-2016

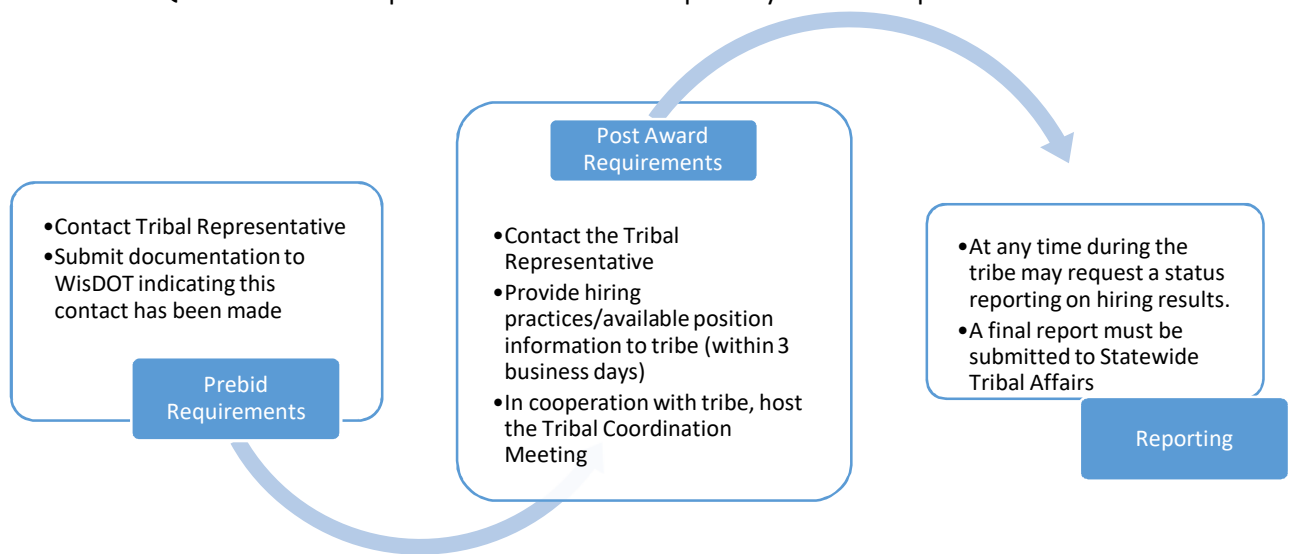
BACKGROUND: The purpose of the Native American Hiring Provision is to outline the requirements and procedures necessary to promote and encourage Native American employment opportunities on WisDOT construction projects located on, partially and adjacent to tribal lands. The provision is applied to both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





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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

Challenges

- Knowing which projects should contain the provision
- Monitoring pre-bid requirements
- General understanding from WisDOT staff and Contractors on provision requirements
- Attendance at Tribal Coordination meetings
- Reporting inconsistencies
- Access to training and certification for tribal workforce

LIST OF 2013-2016 PROJECTS

Contract ID	CNNTLPCN	Contract Description	Vendor Name	Contract Type	Region	Hours
20130514045	9231-07-70	Lac du Flambeau Hwy 47	INTEGRITY	*Completion	NC	3594.2
20140408016	2060-15-71	Howell Ave, City Oak Creek	PAYNE AND DOLAN, INC	*Completion	SE	109.3
20141111010	9202-10-71	Shawano - Green Bay	NORTHEAST ASPHALT, INC	Working	NE	2610.3
20150310022	1133-04-73	De Pere - Suamico	ARBOR GREEN, INC.	Completion	NE	0
20150512033	1009-32-33	Oneida Wetland Mitigation Bank	RC EXCAVATING, INC.	Completion	NE	2
20150714021	9286-04-71	Village Hobart	NORTHEAST ASPHALT, INC	Calendar	NEL	
20150915009	6520-03-60	Shiocton - N County Line	NORTHEAST ASPHALT, INC	Working	NE	29.8
2015	0705-40-45	AIP Terminal Renovation	Vinton Construction	*Completion	NE	389.5
20160209017	1133-09-80	De Pere - Suamico	HIGHWAY LANDSCAPERS, INC.	Completion	NE	0
20160412037	9155-14-70	Pickerel - Argonne	NORTHEAST ASPHALT, INC	Working	NC	293.80
20160510039	9155-13-60	Pickerel - Argonne	NORTHEAST ASPHALT, INC	Working	NC	46.3
20160510041	1000-08-88	NW Region Freight Mitigation	CHIPPEWA CONCRETE SERVICES, INC.	Calendar	NW	5
20160510052	8780-00-70	Moose Lake Rd - Pine Point Rd	MONARCH PAVING COMPANY	Working	NWL	7.40
20161108015	9231-08-70	Woodruff - Manitowish	AMERICAN ASPHALT OF WISCONSIN	Working	NC	

CRSC REPORTS vs. NAHP REPORTS

NC 9231-07-70, Lac du Flambeau Pilot (2015)

Total NAHP Hours Reported: 900

Hours Reported CRCS: 3594.2

NE AIP-45 0705-40-45

NAHP Hours Reported: 389.5

NA Hours Reported in CRCS: 399.3

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.





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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





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TRIBAL AFFAIRS

