

**107-200 DELETE ALL DESIGNER NOTES FROM YOUR SPECIAL PROVISIONS**

**Applicability:** The Native American Hiring Provision (NAHP) is applied to projects located on, partially on or directly adjacent to (touching) lands held under the ownership and jurisdiction of the tribes. Identification of such projects is completed by the project team, including the regional tribal liaison, during the scope certification process. The applicability should be re-assessed at pre-DSR and pre-PS&E points in the design development process.

**Suggested wording for advertising:** This contract requires pre-bid contact with the tribe whose lands the project is located on or partially on held under the ownership and jurisdiction of the tribes. Additional documentation will be submitted with the Proposal Request Form (available online). See special provision and contact (insert project manager, and contract information), for information on this requirement.

**Suggested policy considerations:** Any time this provision is included within a contract the regional tribal liaison and labor compliance specialist should be included in discussions and meetings. A pre-advertising meeting between the regional project team, including the project manager, regional labor compliance specialist, regional tribal liaison, and the identified tribe's labor contact and any other tribal staff requested by the tribe should be arranged. WisDOT shall provide a timeline, basic scope of work and all relevant online links to project plans, bidding and advertising procedures and assist with outreach expectations, recommendations for tribal coordination meeting agenda and identify any other tribal project coordination needs or requirements. This is also an opportunity to discuss the DBE goals set and outreach processes required as part of ASP 3, when federal funds are used.

**Suggested addition for Notes to Construction:** For Native American Hiring Provision – reporting for this provision will be sent to the Labor Compliance Specialist and the tribe on a monthly basis as well as a final report with data from the prime contractor and all subcontractors.

**Suggested information for PM (Project Manager) for pre-bid inquiries:** 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 was developed in direct consultation with tribes. It was established in response to the statutory limitations the Wisconsin Department of Transportation has in enforcing 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. The provision is applied to both state and federal projects.

For further information contact the Regional Tribal Liaison, State Tribal Affairs Managers: Sandy Stankevich, (715) 365-5784 [sandy.stankevich@dot.wi.gov](mailto:sandy.stankevich@dot.wi.gov) or Cyless Peterson, (608) 261-0131 [Cyless.peterson@dot.wi.gov](mailto:Cyless.peterson@dot.wi.gov)

**Documentation and Communication Requirements:**

**Pre-bid:** The Pre-Bid Contact Verification Form, DT2400 must be submitted with the bid request. This form is documentation of all efforts to communicate with the tribal workforce office to share hiring procedures and employment opportunities.

**Construction:** Additional communication with the tribal workforce office should be documented throughout the project. The Native American Hiring Provision Report DT2405 will be submitted via email on the 15th of every month for the previous month throughout the project to the end of construction. It is to be submitted to the regional labor compliance specialist.

**32. stp-107-200 Native American Hiring Provision.**

**Pre-Bid**

Before bid submittal, contact the (insert specific tribe who will serve as the labor contact) to provide information on hiring procedures and future employment opportunities, and gather information on the tribal work force and tribal resources (ex. Native American owned DBE, tribal businesses, products, potential workers, etc.).

(Insert tribe) tribal labor office contact information:

(Tribal labor contact, name and title)

(Address)

Office: (Office Phone):

Cell: Cell:

Email:

Maintain documentation of all efforts made to communicate with (insert specific tribe who will serve as the labor contact) using [DT2400 Pre-Bid Contact Verification Form](#). This form is to be used as a record of

communication with the designated tribe's assigned contact person. Please submit the DT2400 form and any supporting documentation when you submit the bid request (DT1633) for the project via email to:

DOT DTSD Highway Construction Contractors [constplans.dtid@dot.wi.gov](mailto:constplans.dtid@dot.wi.gov)

**The Eligible Bidders list will not be updated until this documentation is received.**

**After Execution**

The contractor shall contact (insert the name of the tribe labor contact person) of the (Insert tribe) with the following information regarding available employment opportunities for prime and subcontractors at a minimum of 5 business days before the tribal coordination meeting:

- Job classification/trade
- Job qualifications and required skills
- Employment period
- Wage
- Copy of job application
- List of subcontractors and contact information (ex. Name, email, phone, etc.)
- List of available internships

After receiving employment opportunities, (insert the name of the tribe labor contact person) may provide employment referrals or recruitment sources throughout the life of the project to obtain qualified referrals.

Document all efforts made to communicate job opportunities and the results of hiring activities throughout the life of the contract. Utilize [DT2405 Native American Hiring Provision Report](#) and submit it to (Insert tribe) and Regional Labor Compliance Specialist (insert name and email address) on the 15<sup>th</sup> of every month for the previous month until the project construction is complete. Final report should be indicated on the form. Report shall include prime contractor and subcontractor data.

**Tribal Coordination Meeting**

Between execution of contract and the project pre-construction meeting, the contractor and (Insert tribe) will setup and facilitate the Tribal Coordination Meeting, establish an agenda, date and location. Any cost incurred for the meeting would be incidental to the overall project cost. The contractor shall work with the Tribe to determine who from Tribal leadership and staff the contractor should notify and invite to the meeting.

The contractor shall also notify and invite the Regional Tribal Liaison (insert name and email address) ; the Regional Labor Compliance Specialist (insert name and email address) ; the WisDOT Tribal Affairs Program Manager, Sandy Stankevich, [sandy.stankevich@dot.wi.gov](mailto:sandy.stankevich@dot.wi.gov) ; the Tribal Affairs Project Manager, Cyless Peterson, [Cyless.peterson@dot.wi.gov](mailto:Cyless.peterson@dot.wi.gov); and the WisDOT region project team to the meeting.

This meeting may also include potential interviews or introductions with potential employees. The prime contractor and all subcontractors shall attend this meeting. Discussions are to include available employment opportunities and other tribal areas of interest such as scope of work, tribal regulations and ordinances, borrow sites, waste sites, and available aggregate.

**Project Completion**

Submit documentation summarizing communications regarding job opportunities throughout the life of the contract. This can be done using the DT2405 form noting that this is the final report. Provide final report to the tribe and the Regional Labor Compliance Specialist compiling the results of hiring activities for the prime contractor as well as for subcontractors at all tiers.

stp-107-200 (20200629)