



*L. S. Caldwell & Associates, Inc.*

**District of Columbia  
Contracting and Employment Compliance  
Programs**

**For**

**Washington Building  
Congress**

*Washington  
Building  
Congress*

Wednesday, February 10, 2021

# L. S. Caldwell & Associates, Inc.

- L. S. Caldwell & Associates, Inc. (LSC) continues to be one of the foremost firms specializing in Full Compliance Programs including:
  - Contracting
  - Employment
  - Community Awareness & Participation (CAP)
  - Business Development
- Extensive knowledge/experience with protected class firms: CBE, M/WBE, DBE, LDBE, SDB, 8(a), etc. and Local, State, and Federal programs.
- LSC's Contracting Online Reporting (CÔR) System; Specialized, proprietary tool for database monitoring and tracking
- Successfully providing Compliance services *for over 30 years.*
- Offices in Washington DC, Baltimore, Maryland, Philadelphia, Pennsylvania
- Certified by DC Department of Small and Local Business Development as a CBE, LBE, SBE, Resident Owned Business (ROB) and DBE; also SBA, MDOT, VDOT, PennDOT, NCDot as M/WBE, SB, L/DBE, etc.

# LSC Experience and Performance

## MAJOR PROJECT EXPERIENCE - (Partial List)

- Greater Washington Urban League **\$10 ML**
- Bancroft Elementary School **\$18 ML**
- Pulte Dakota Crossing **\$50 ML**
- Ward 4 Short Term Multi-Family Housing **\$62 ML**
- Maritime Plaza /Washington Gas /Lincoln Properties **\$103 ML**
- DC CityCenter **\$800 ML**
- Fort Lincoln **\$1 BL**
  - **Villages and Shops at Dakota Crossing, Banneker Ridge, Joshua Barney**
- Woodrow Wilson Bridge **\$5BL**
- Purple Line Transit Project **\$5BL**

*Successfully Providing Contracting, Employment and Community Awareness Participation*

*The above projects required CBE, M/WBE or L/DBE Participation*

*Every LSC Compliance Project has met or exceeded participation goals.*



*L. S. Caldwell & Associates, Inc.*

## **Representative Projects**

# LSC Representative Projects

## Stanton Square Apartments



**Project Value:** \$45+ ML

**Location:** Washington, DC

### Participation Goals

**Contracting:** 35% Certified Business Enterprise (CBE)  
10% Building Trade Work for Section 3  
3% to Section 3 Business Concerns

**Employment:** 20% Journey Worker Hours  
60 % Apprentice Hours  
70% Common Laborer Hours  
51% District Resident New Hires  
35% Apprenticeship Hours for DC Residents

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### LSC Tasks:

- LSC offers proprietary software for Compliance Training of regulatory contracting and employment reports.
- Collaborate with Project Shareholders, DC DOES initiating implementation of the First Source Employment Agreement and Apprentice requirements and DHCD on Contracting and Employing Section 3 requirements.
- Collaborate with DSLBD and assist in developing and updating the Project CBE Subcontracting Plan, Quarterly Reports and VVFs.
- Develop, implement and coordinate outreach events to increase qualified local resident and contractor pool; research & identify organizations to help disseminate opportunities; produce advertising materials, flyers, social media, etc.,
- Conduct site visits to ensure standard compliance activities are executed in accord with employment laws and regulations.
- Analyze eligible contracts/dollars to assist in contract sizing, packaging and subcontractor availability.
- Monitor/track reporting requirements for all trades with specific contracting and employment goals.
- Attend contractor meetings as required to provide guidance on project compliance issues.
- Attend workforce and contractor community meetings as needed to keep the community at large informed.

# LSC Representative Projects

## Villages at Dakota Crossing - Ryan Homes Project

**Project Value:** \$80+ ML

**Location:** Washington, DC

### Participation Goals

**Contracting:** 35% Certified Business Enterprise (CBE)

**Employment:** 51% District Resident New Hires

35% Apprenticeship Hours for DC Residents



## LSC Tasks:

- Work with DSLBD and DOES on behalf of the Owner/GC from project start to project close.
- Coordinated the efforts of the developer/general contractor toward CBE identification and development of successful CBE relationships.
- Worked with local community organizations and business associations to ensure specific commitment and economic development benefits occur within the local community.
- Analyzed eligible contracts/dollars to assist in contract sizing, packaging, subcontractor responsibility and subcontractor availability.
- Developed report mechanisms and provided instruction to the developer and all project contractors regarding tracking and reporting efforts to reach employment and contracting goals.
- Monitored and tracked reporting requirements for all trades that have specific contracting and employment goals associated with them.

# LSC Representative Projects



## CityCenter DC Project

**Project Value:** \$800+ ML

**Location:** Washington, DC

### Participation Goals

**Contracting:** 35% Certified Business Enterprise (CBE)

### Achieved

**Contracting:** 39% Certified Business Enterprise (CBE)

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## LSC Tasks:

- Created and implemented compliance program tailored to address the needs of the Project and ensure proper documentation.
- Analyzed eligible contracts/dollars to assist in contract sizing, packaging and subcontractor availability.
- Created, compiled, reviewed, prepared and submitted Project Reporting documents in accordance with the Compliance Implementation and Project Covenants.
- Tracked all data relevant to documenting Project or individual contractor/vendor compliance or non-compliance.
- Assisted Hines/Archstone with the development, design and administration of all compliance manuals.
- Presentations and supported pre-bid conferences advising target audiences and the community of upcoming contracting opportunities.
- Provided employment outreach services identifying potential employees for applicable trades and job vacancies for the project.
- Attended workforce and contractor community meetings as needed to keep the community at large informed.

# LSC Representative Projects

## Purple Line Transit Project

**Project Value:** Public Private Partnership (P3) approximately \$5 BL

**Location:** Prince George's and Montgomery Counties, Maryland

### Participation Goals

#### **Disadvantaged Business Enterprise Goals:**

26% Design Build

22% Design Construction

#### **Workforce Services Goals:**

33% or more of all Construction Work Hours are performed by Nationally Targeted Workers, (NTW) of which

10% must be representative of Socially Disadvantaged workers and at least 50% is comprised of unskilled workers

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### **LSC Tasks:**

- Responsible for total project contracting and employment compliance oversight and reporting to US FTA on behalf of the Owner, Purple Line Transit Partners (PLTP).
- Review all compliance submission by the Purple Line Transit Constructors (General Construction Partnership) to ensure federal, state and local legislative requirements are being met.
- Lead Partnership Efforts with local Economic Development agencies.
- Provide oversight and recommendations for contracting, employment and training programs to PLTP.
- Assist with media and public relations.
- Develop and cultivate relationships with community and business stakeholders (e.g. University of Maryland, Bowie State, small Business and Community organizations).





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**District of Columbia  
Contracting Compliance**

# DSLBD Certified Business Enterprise

## Developers

- ✓ Abide by DC Code: § 2-218.46 legislation re CBE participation with DC on private projects
- ✓ Subcontract at least 35% of the project's adjusted budget to CBEs
- ✓ Outreach (Best Faith Efforts)
- ✓ Complete and submit SBE Subcontracting Plan to DSLBD
- ✓ Meet with DSLBD on a quarterly basis or as required
- ✓ Obtain completed and signed Vendor Verification Forms for all CBE Contractors
- ✓ Complete Quarterly Reports to be submitted to DSLBD
- ✓ Provide fully executed subcontracts with each CBE subcontractor

## Subcontractors

- ✓ If applicable, subcontract at least 35% of their contract project's adjusted budget to CBEs
- ✓ Provide a copy of lower tier subcontracts
- ✓ Ensure lower tiers submit Vendor Verification Forms on a Quarterly basis
- ✓ Outreach efforts
- ✓ Attend LSC CÔR Training for monthly contracting submittals; may include employment
- ✓ Submit signed/notarized DSLBD Vendor Verification Forms on a Quarterly basis

# Certified Payroll

## Certified Payroll: Banneker Ridge at Fort Lincoln [RH3]

Tuesday July 23, 2019

Search

**Week Ending**  
  
**Contract**  
  
**Company**  
  
**Submitted**  
  
**Status**

+ New Weekly Certified Payroll

Week Ending	Contract	Company	Submitted	Status	
2019-05-18	RH3	2M Quality, LLC	2019-05-27	Approved	<a href="#">View</a>
2019-05-04	RH3	2M Quality, LLC	2019-05-30	Approved	<a href="#">View</a>
2019-04-30	RH3	2M Quality, LLC	2019-05-30	Submitted	<a href="#">View</a>
2019-04-27	RH3	2M Quality, LLC	2019-05-27	Submitted	<a href="#">View</a>
2019-04-20	RH3	2M Quality, LLC	2019-05-30	Submitted	<a href="#">View</a>

### Weekly Certified Payroll

## Weekly Certified Payroll

**\*Project [Contract]:**

**\*Company:**

**Role:**

**\*Week Ending:**

**Payroll No.:**

**Project or Contract No.:**

**Address:**

**Project Location:**

Personnel	Withholding Exemptions	Job Title Status	Sat 5/18	Fri 5/17	Thu 5/16	Wed 5/15	Tue 5/14	Mon 5/13	Sun 5/12	Total Hours	Pay Rate	Gross Earned	FICA	Withholding Tax	Deduction A	Deduction B	Other	Total Deductions	Net Wages
John, Michael [12345678]	0	ASBED024-005 Active	1.00	0.00	0.00	0.00	0.00	0.00	0.00	1.00	1.00	\$23.00 Weekly	\$0.01	\$1.00	\$0.00	\$0.00	\$0.00	\$1.01	\$21.99
			2.00	0.00	0.00	0.00	78.00	0.00	0.01	80.01	1.00								

- WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS
- WHERE FRINGE BENEFITS ARE PAID IN CASH

**\*Submitted Date:**

**\*Submitted By:**

# DSLBD Certified Business Enterprise

## D.C. Act 23-328. Coronavirus Support Congressional Review Emergency Amendment Act of 2020.

### Section 203. Certified Business Enterprise Assistance

- ✓ Titles I – IX shall apply as of **June 9, 2020**
- ✓ Emergency legislation shall be in effect or until May 1, 2021...unless extended or made permanent legislation
- ✓ At least 50% of the dollar volume of the contract will be subcontracted to small business enterprises
- ✓ If there are insufficient qualified small business enterprises, the subcontracting requirement may be satisfied by subcontracting 50% of the dollar volume to any qualified certified business enterprises;  
***provided**, that best efforts shall be made to ensure that qualified small business enterprises are significant participants in the overall subcontracting work.*

- ✓ For every dollar expended with a ROB, the Beneficiary shall receive a credit of \$1.10 against the CBE minimum expenditure.
- ✓ For every dollars expended with a DBE, the Beneficiary shall receive a credit of \$1.25 against the CE minimum expenditure.
- ✓ For every dollar expended with a CBE firm that is a ROB and a DBE, the Beneficiary shall receive a credit of \$1.30 against the CBE minimum expenditure. If applicable, subcontract at least 35% of their contract project's adjusted budget to CBEs

*ROB – Resident Owned Business*

*DBE – Disadvantaged Business Enterprise*

# DSLBD Certified Business Enterprise

## D.C. Act 23-466 Local Business Enterprise Clarification Temporary Amendment Act of 2020

- ✓ Enacted **November 2, 2020**; expires after 225 calendar days after having taken effect, unless otherwise renewed.
  - ✓ Amended on a temporary basis as the “Small and Certified Business Enterprise Development Assistance Act of 2005”.
  - ✓ Requires if a business enterprise is to be certified as a local business enterprise must be:
    1. Independently owned, operated and controlled.
    2. Independently owned operated and controlled by a District-based enterprise.
    3. If a non-District-based business, must have more than 50% ownership by District residents.
- ✓ Currently, certified local business enterprises that do not meet one of these requirements must be recertified.
  - ✓ An application must be submitted within 90 days of the effective date of the Emergency Amendment date or the firm shall have its certification revoked.
  - ✓ Firms with existing contracts that do not meet the requirements of the Act shall be permitted to complete the term of that contract including base year and options years and receive appropriate credits towards CBE goals.

# DSLBD Certified Business Enterprise

## **PENALTIES - DC CODE 2-218.63**

DSLBD may invoke financial and punitive penalties if these are demonstrated:

- ✓ Willful breach of the Agreement
- ✓ Failure to submit timely Quarterly Reports
- ✓ Deliberate submission of falsified data or
- ✓ Failure to reach specific contracting goals or requirements

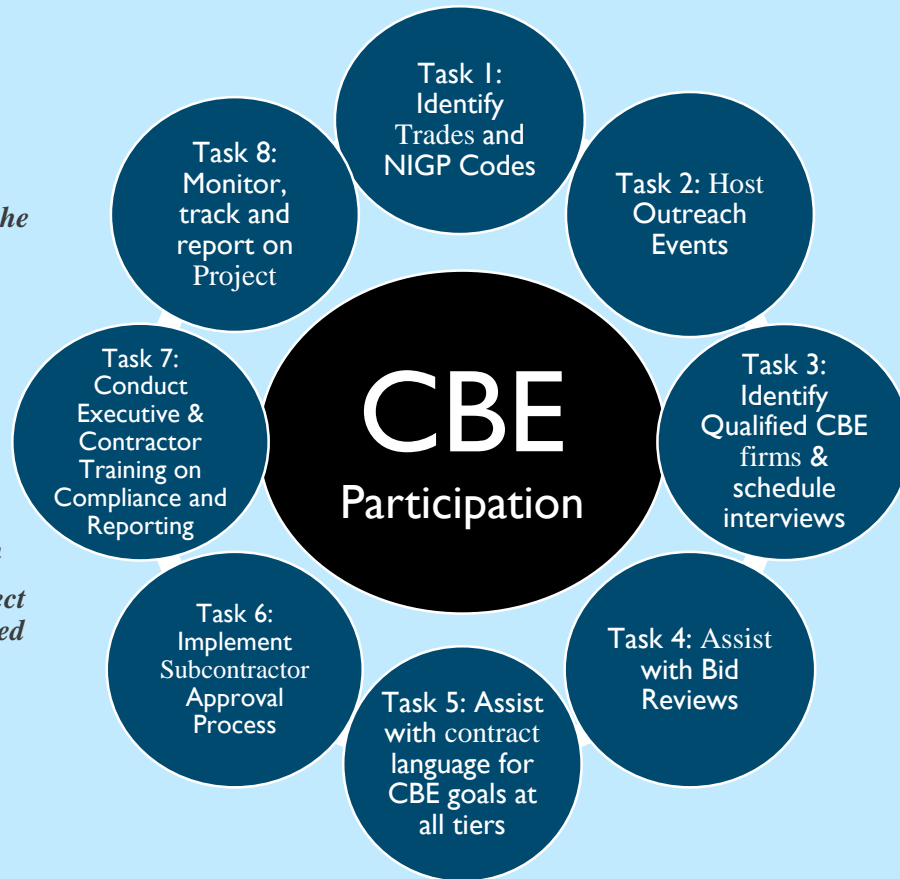
DSLBD may impose a fine of:

- ✓ \$5,000 for the first offense
- ✓ A fine of not more than \$15,000 for the second offense
- ✓ Thereafter, the matters shall be referred to the DC Attorney General (AG) for potential civil action; if no Civil Action is pursued, DSLBD may invoke a fine up to \$25,000; however the AG reserves the right to pursue civil penalties greater than \$100,000 or triple the profit earned
- ✓ DSLBD may also refer the matter to the Office of Contracting and Procurement if more than two (2) violations which could result in debarment for up to five (5) years to conduct business with DC government OR five (5) years deemed ineligible for consideration for government-assisted projects

# LSC Successful CBE Participation Methods

## Crucial Steps Ensuring Full CBE Utilization:

- **Enforcement/Repercussions**
- **DSLBD “Outreach” Efforts**
  - *Listing of specific work scopes by GC for the CBE community*
  - *Written solicitations used to obtain CBEs*
  - *Confirmation of CBE contacts and information provided to successfully bid*
  - *Unavailability statements from CBEs*
  - *Description of GC efforts for bonding waiver requirements for CBEs, if needed*
  - *GC request for release of lien or reduction*
  - *Copies of all CBE subcontracts for all direct contracts GC has with the District submitted to DC, etc.*
- **Ensure goals flow down to all tier levels**
- **Utilize the Compliance Online Reporting (CÔR) System for monthly contractor reporting**
- **Corporate Social Responsibility: Integrity subcontracting with CBEs**





*L. S. Caldwell & Associates, Inc.*

**District of Columbia  
Employment Compliance**



# DOES First Source Employment Agreement

## MAJOR PROGRAM REQUIREMENTS Developers/Primes/Lower Tiers

- ✓ Abide by Workforce Intermediary Establishment and Reform of the First Source Amendment Act of 2011 (DC Official Code 22-219.01 – 2.219.05)
  - ✓ Abide by Apprenticeship Requirements Amendment Act of 2004 (DC Official Code 2-219.03 and 32-1431)
  - ✓ Projects \$5ML+ hiring of DC residents:
    - ✓ 20% journey worker hours
    - ✓ 60% apprentices hours
    - ✓ 70% common laborer hours
    - ✓ 51% skilled laborer hours
  - ✓ Ensure all contractors with contracts of \$300K+ must enter into a First Source Employment Agreement/ Revised Employment Plan with DOES
  - ✓ Any contract or multiple contracts of \$500K+ within 12 months must register an approved Apprenticeship Program
- ✓ Must use DOES first, prior to any other employment referral source
  - ✓ Meet with DOES on a quarterly basis or as needed
  - ✓ Attend DOES LCP Tracker employment training
  - ✓ Submit weekly certified payroll reports to LCP Tracker and monthly employee and apprenticeship statistics (Contract Compliance Form)
  - ✓ Meet Apprenticeship standards and all employment goals
  - ✓ Outreach/"Good Faith Efforts" to fulfill hiring requirements
  - ✓ Submit a Final Report

# DOES First Source Employment Agreement

## GOAL ACHIEVEMENT

- ✓ Projects \$5ML+ hiring of DC residents:
  - ✓ 20% journey worker hours
  - ✓ 60% apprentices hours
  - ✓ 70% common laborer hours
  - ✓ 51% skilled laborer hours
- ✓ **Double Count** “Hart to Employ” up to 15% of total hours worked by DC Residents

### Hard to Employ

- ✓ Ex offender released from prison within the last ten (10) years
- ✓ Participant of the Temporary Assistance for Needy Families Program
- ✓ Participant of the Supplemental Nutrition Assistance Program
- ✓ Living with a permanent disability verified by the Social Security Administrator or District vocational rehabilitation program
- ✓ Unemployed by six (6) months or more in the last twelve (12) months

- ✓ Homeless
- ✓ A participant or graduate of the Transitional Employment Program Outreach/Good Faith Efforts to fulfill hiring requirements
- ✓ Individual who qualified for inclusion in the Work Opportunity Tax Credit Program

## WAIVERS

- ✓ Employer is located outside the Washington Metropolitan Statistical Area (WMSA) and *NONE* of the contract work is performed inside the WMSA
- ✓ Employer entered in a special workforce development training or placement arrangement with DOES or the DC Workforce Intermediary
- ✓ DOES certifies there are insufficient numbers of DC residents in the labor market possessing skills required by the Employer
- ✓ If documented “**Good Faith Efforts**” were employed but proven ineffective

# DOES First Source Employment Agreement

## MANDATORY “GOOD FAITH EFFORTS”

- ✓ Post jobs on the DOES job website for a minimum of ten (10) calendar days
- ✓ Advertise each job opening in a District newspaper with city-wide circulation for a minimum of seven (7) calendar days
- ✓ Advertise each job opening in special interest publications and on special interest media for a minimum of seven (7) calendar days
- ✓ Host informational/recruiting or hiring fairs
- ✓ Contact churches, unions and/or additional Workforce Development Organizations
- ✓ Document interviews of employable candidates
- ✓ Create or participate in a workforce development program approved by DOES
- ✓ Create or participate in a workforce development program approved by the District of Columbia Workforce Intermediary
- ✓ Must substantially comply with all relevant monthly reporting requirements set forth in the First Source Employment Agreement
- ✓ Ensure submittal and substantial compliance of Employers most recent employment plan that was approved by DOES
- ✓ Any additional document efforts

# DOES First Source Employment Agreement

## PENALTIES

DOES may invoke financial and punitive penalties if there is demonstrated:

- ✓ Willful breach of the Agreement
- ✓ Failure to submit the Contract Compliance Reports,
- ✓ Deliberate submission of falsified data or
- ✓ Failure to reach specific hiring or hours worked requirements

DOES may impose a fine of:

- ✓ 5% of the total amount of the direct and indirect labor cost of the contract
  - ✓ Fines will also include additional prorated fines of 1/8 of 1% of total contract amount for not reaching specific hiring or hours worked requirements
- Employers found in violation two (2) times or more over a ten (10) year period may be debarred and/or deemed ineligible for consideration for Projects for a period of five (5) years
  - Appeal of violations or fines are to be filed with the DC Contract Appeal Board

# Davis Bacon and Apprenticeship Programs

## Oversight Procedures

### (Pre-Award)

- Determination of appropriate DoL prevailing wage at solicitation initiation
- Inclusion of DoL prevailing wage scale in solicitation language
- Confirm Approved Apprenticeship Programs

### (Post-Award)

- Weekly Certified Payroll Review
- Site Visits / Onsite Interviews
- Investigate and correct infractions (Restitution)
- Implement other skills training programs

*\*If no Davis Bacon requirement, contractors must be sure to meet DC minimum wage.  
As of January 1, 2021 - \$15.00 per hour*

# US DOL/DHCD Section 3 Requirements

## Provision of 1968 HUD Act to ensure employment and other economic opportunities

### Target Recipients

- ✓ Low/very low income persons, particularly recipients of government housing assistance
- ✓ Business concerns providing economic opportunities to low/very low-income persons

### Goal Requirements

- ✓ All contractors or subcontractors with contracts in excess of \$100,000 submit a Section 3 Opportunities Plan
- ✓ Documentation of actions taken to comply with employment or training and contracting requirements
- ✓ Quarterly and Annual reporting as required
- ✓ Hiring preference for employment to Section 3 residents
  - *30% employment goal for new hires shall be Section 3 residents*
- ✓ Contracting preference for subcontracting opportunities to Section 3 business concerns
  - *10% contracting goal for Section 3 businesses*
  - *3% non-construction goal for Section 3 businesses*



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**Community Awareness Program**  
**Contracting and Employment**

# Successes in Contracting

**CityCenterDC | Washington, DC**



**Worked with local organizations, trade associations, etc. to engage constituents; Created and supported Resident Advisory Committee**

**St. Elizabeth's West Campus – Central Utility Plant**



**Member and active participant in GSA sponsored Community Leaders Association**



# Successes in Employment



## Costco Ward 5 Job Fair

**More than 1500 DC  
Ward 5 residents attended  
seeking 500+ positions.**



# Successes in Employment



## Community of Hope Targeted Direct Hiring

100 Ward 8 DC residents  
Attended for 36 Positions





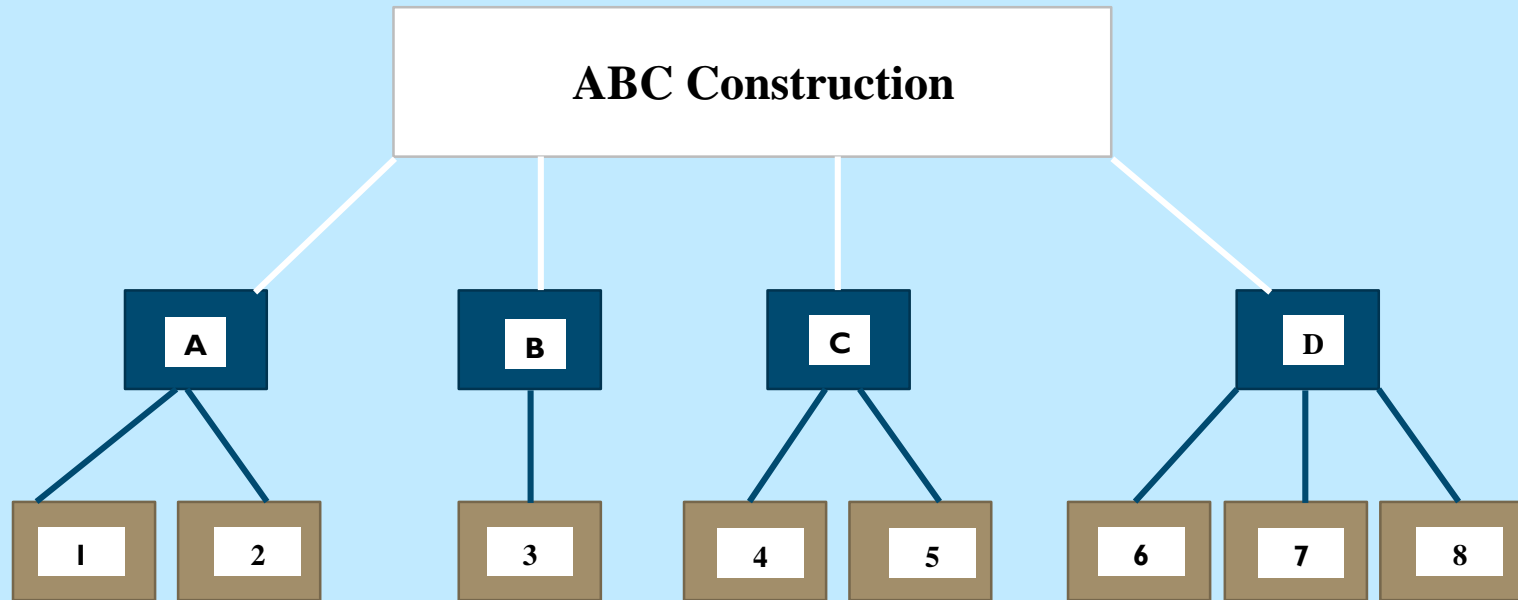
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# **COMPLIANCE ONLINE REPORTING (CÔR) SYSTEM**

# About the CÔR System

- *A Proprietary system “DESIGNED BY COMPLIANCE EXPERTS” with expert software engineers...NOT software engineers adapting software to compliance regulations.*
- The CÔR System is a secure way to manage your compliance documents.
- The CÔR System is web-based – no need to download software. The only requirement is the latest versions of:
  - Mozilla Firefox;
  - Google Chrome;
  - Internet Explorer;
  - Safari;
  - Opera, etc.
- LSC technical staff available to provide client assistance during regular business hours.
- Online FAQs offered.
- Regularly scheduled Subcontractor training and online Webinars for report training.

# About the CÔR System



## Legend



**Owner/CM/GC**



**First Tier Subcontractors**



**Second Tier Subcontractors**



# Project Dashboard



- [Home](#)
- [Message Center](#)
- [Manage](#)
- [Log out](#)



Doug McIltrout



Log Out

Home

Dashboard

Project

Certified Payroll

Workforce Tracker

Monthly Contractor Report

Other Reporting

Library

## Dashboard: Banneker Ridge at Fort Lincoln [RH3]

Tuesday July 23, 2019

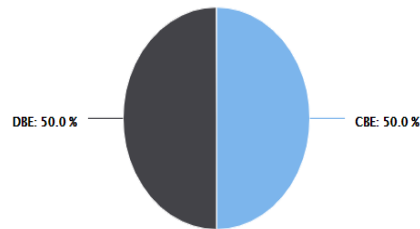


**Project:** Banneker Ridge at Fort Lincoln  
**Owner:**  
**Location:** Fort Lincoln Drive

**Contract ID:** RH3  
**Contract Award Date:** 2015-09-16  
**Contract End Date:** 2020-07-03 00:00:00  
**Reporting Start Date:** 2016-01-31  
**Reporting End Date:** 2020-07-01

**Funding Source:**

### Subcontractor By Certification Type



Highcharts.com

### Payroll Metrics

# Active Employees	Date of Last Certified Payroll	Value Last Certified Payroll	# Missing Payrolls
2	2019-05-18	\$23.00	176

### Contract Metrics

Last Monthly Contract Report Submitted	Value Paid to Date	# Missing Monthly Contract Report	Last Vendor Verification Form	# Missing Vendor Verification Forms
2019-05	\$10,300.00	25	2018-Q1	

### Section 3 Construction - HUD Metrics

HUD Funding on Contract	# of Section 3 Residents	Resident Worksheets Collected	Program Certification Submitted	Opportunities Plan Submitted
Yes	1	Yes	Yes	Yes



*L. S. Caldwell & Associates, Inc.*

Proven Excellence in Contract and  
Employment Compliance Services since  
1991

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