

Office of Federal Contracts Compliance Programs

Methodology for Developing the Construction Scheduling List FY 2020, Release – 1

The process of developing the first release of the FY 2020 construction scheduling list started by downloading contract information of construction contracts valued at \$10,000 or higher from the US Spending database. It is a publicly-available information system administered by the U.S. General Services Administration (GSA). It provided company name, company address, contract dollar value, expected start date, expected completion date, place of performance, the North American Industry Classification System (NAICS) code and the Data Universal Numbering System (DUNS) number. Place of performance included county and State information. The transactional data were consolidated to create a single record for each contract. Expired contracts and contracts less than \$50,000 were dropped from the downloaded data. Companies that had multiple contracts at the same place of performance were further consolidated such that the record with the farthest estimated end date was retained and contract numbers from other records were added to the retained record under “Other Contracts.” The resulting file was named “USA Spending” file.

OFCCP also receives contract notifications from procurement officers, contractors and subcontractors. These notifications include the contract awarding entity, the contract receiving entity, contract value, start date, end date, and place of performance (County and State). These notifications are entered into an OFCCP database. Contract records that were not to expire before November 30, 2020 were retrieved from this database. These contract records were perfected to identify who gave and received the award, and to identify a prime contract from a subcontract award. Duplicate records were identified and removed from the file. Multiple awards of the same company for the same place of performance were further consolidated into a single record that had the farthest end date. This scheduling list covered only federal contracts. Therefore, contract notifications received from States’ Department of Transportation were removed because they represented federally assisted contracts. The resulting file was named “Notification” file.

OFCCP reviewed the USA Spending and Notification files, making them compatible and then combined these two types of files into one list. This action created more duplicate records, as several notifications were related to the same federal contract that was captured in the USA Spending file. These duplicate records were removed. In addition, contracts less than \$150,000 were removed to satisfy VEVRAA’s threshold coverage requirement.¹ All remaining records were assigned a District Office code based on the Place of Performance. The resulting file was called the “Construction Pool.”

The agency continues to focus its scheduling efforts on those contractors that may be more likely to violate OFCCP’s laws. To this end, OFCCP matched contractors in the Construction Pool against the Department of Labor’s publicly-available enforcement databases of the Occupational Safety and Health Administration (OSHA) and the Wage and Hour Division (WHD) to identify if any of these contractors had non-technical violations. These databases contain closed cases

¹ 41 C.F.R. §§ 60-300.1; 300.40.

with violations for the last five fiscal years. The matched contractors were identified having OSHA and/or WHD violations and included in the scheduling list.

This scheduling list is comprised of 200 establishments. OFCCP distributed the scheduling list to district offices based on available human resources (FTE) as of July 17, 2020. Companies that showed OSHA and/or WHD violations were assigned to district offices first. If a district office needed additional companies to meet its proportional share of reviews, companies that had the highest contract value in the district office's jurisdiction were selected. The scheduling list was then sorted randomly, uploaded into OFCCP's Case Management System, and distributed to each district office. Each district office will exhaust its list of available construction contractors.

DISCLAIMER: OFCCP's decision to publish its scheduling methodology is voluntary and consistent with the agency's Transparency Directive, DIR 2018-08 § 7(a) ii. OFCCP has no legal obligation to publish its methodology and will revisit the decision to publish its scheduling methodology each time the methodology is revised.