



Construction Industry Round Table

Opinion Poll Results

A force for positive change in the design / construction industry

Blacklisting (22% Response Rate)

Issue Background: On July 9, 1999, the federal government published a proposed procurement rule that directs contracting officers to review a firm's compliance with labor, tax and environmental laws when making pre-award responsibility determinations. In addition to compliance with these laws, the rule requires contractors to exhibit necessary workplace practices, including training, worker retention, and legal compliance. (See *Federal Register* 7/9/99 and/or *ENR* 7/19/99, p. 10, for further details.)

1. How would you describe your firm?

Design: 25%
Construction: 30%
Both: 45%

2. Does your firm contract with the federal government? **Yes - 95%** **No - 5%**

3. Based on what you know about the proposed "blacklisting" rule, how would you rate the impact or importance of it to your firm?

1: 25% **2: 20%** **3: 15%** **4: 30%** **5: 10%**

4. How comfortable are you that the contracting officers will have a good enough understanding of complex labor or tax laws so as to exercise their discretion when applying this new rule? (On a scale of 1-5, with one being no level of confidence at all, to five being completely comfortable with the contracting officers knowledge and use of their discretion).

1: 45% **2: 45%** **3: 10%** **4: 0%** **5: 0%**

5. Do you believe the requirement of contractors to exhibit necessary workplace practices, including training, worker retention, etc. is an appropriate or measurable standard for "blacklisting"?

Yes - 50% **Not Sure - 0%** **No - 65%** **Sometimes - 30%**

6. Do you believe potential use of claims, allegations, or even settlements in cases dealing with labor, employment, environmental, antitrust, or consumer protection laws are appropriate criteria or evidence to determine non-compliance and thus possible "blacklisting"?

Yes - 5% **No - 75%** **Sometimes - 20%** **No Sure - 0%**

7. How important of an issue is this for CIRT? (On a scale of 1-5, with one being the highest priority, to five being of no importance)

1: 25% **2: 40%** **3: 20%** **4: 15%** **5: 0%**

These questions were promulgated to the CEO members of the Construction Industry Round Table (CIRT) during a period from October 15 - November 8, 1999.