



Roads To Your Future - Bipartisan Infrastructure Law & Hiring Preferences

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Bipartisan Infrastructure Law & Hiring Preferences

In May 2021, the Federal Highway Administration (FHWA) announced the [Enhancing Highway Workforce Development Opportunities Contracting Initiative](#) (EHWDO), a four-year pilot program to help States, local communities, and the construction industry to recruit qualified construction workers. The program provided contracting agencies with the flexibility to use hiring preferences and/or innovative contracting approaches not otherwise authorized by law.

The [Bipartisan Infrastructure Law](#) (BIL) was signed into law in November 2021, and Section 25019(a) now authorizes State and local agencies to implement a local or other geographical or economic hiring preference for labor on construction projects funded with funds under Title 23 or 49 USC.

Based on the authority in BIL, State and local agencies should now look to Section 25019(a) of BIL for local or other geographical or economic hiring preferences, including such preferences that may be utilized under a project labor agreement. Through a [Federal Register Notice](#) that was published on Friday, February 11, 2022, FHWA announced it is transitioning from the EHWDO contracting initiative to allowing hiring preferences authorized by BIL Section 25019(a). FHWA Special Experimental Project No. 14 (SEP-14) approval is no longer needed for labor hiring preferences authorized under the BIL provision.

State and local recipients and subrecipients may continue to administer any contracts previously authorized under the EHWDO contracting initiative for the duration of these contracts per the requirements of their approved workplans. The FHWA may continue to use SEP-14 on a case-by-case basis to authorize and evaluate contracting methods that are outside the scope of Section 25019(a) of the BIL.

Should you or your staff have questions, please contact Brian Hogge, Construction Team Leader, (334) 399-0081, Brian.Hogge@dot.gov.

Be sure to click the “Sign Up” button below to receive the most up-to-date information on the Highway Construction Workforce Partnership (HCWP) and future programs.

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