

Attachment 5
Required Contract Provisions & Monitoring

DBE Federal-Aid Contract Provisions Supplemental Information

1. Statement of Non-Discrimination

In accordance with 49 CFR, Part 26.13, the following statement must be included in every contract between DDOT and a contractor and in every subcontract of the contract:

“The contractor, sub recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in performance of this contract. The contractor shall carry out applicable requirements of 49 CFR, Part 26 in the award and administration of the USDOT- **Federal Transit Authority** assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as DDOT deems appropriate.”

2. Allowable Sanctions as a Result of Non-Compliance

If the DDOT uncovers any willful non-compliance by a prime or DBE subcontractor as it applies to the requirements of this program, the DBE Program may initiate sanctions as set out below:

Sanctions against DBE

If a DBE is found to be willfully non-compliant, the DDOT will notify the DBE of the sanctions to be imposed, which may include suspension, decertification or debarment. The sanction notice will inform the DBE that it may notify the DDOT within fifteen (15) days to request a hearing to show proof that the determination was incorrect. If no request is made within fifteen (15) days, the penalty becomes final. If a hearing is requested, the penalty does not become final until the DDOT renders its decision. The Department's decision will set for the reasons relied upon in making the decision to the U.S. Department of Transportation. If DDOT chooses to proceed in the removal of DBE certification eligibility, the Department will follow the steps outlined in 49 CFR, Part 26.87.

Sanctions against Prime Contractor/Consultant

Prime Contractors and Consultants are advised that failure to meet the contract DBE goals due to circumstances within their control will subject them to sanctions which may include financial assessments, probation, suspension, disqualification, debarment and criminal prosecution, or a combination thereof. Circumstances are within the control of the Prime Contractor or Consultant. Examples of circumstances out of the control of the Prime Contractor or Consultant include DDOT-imposed elimination of contract items or reduction of quantities, abandonment of the work by the DBE firm, etc. If a Prime Contractor or Consultant fails to meet the stated DBE goal on a contract due to circumstances within his or her control, DDOT may calculate the value of the work that would have been performed by the DBE in the absence of the willful violation of the

contract. The Prime Contractor or Consultant may be required to reimburse the DBE for the calculated value of the lost work.

In addition to the administrative remedies listed above, willful violators of the DBE Program shall also be subject to the following actions:

- Withholding progress payments
- Cancellation of the contract
- Removal of the prime contractor or consultant from the pre-qualified list for a specified period of time, as determined by DDOT
- Suspension and debarment of the prime contractor or consultant for egregious or repeated violations of the DBE regulations, falsifications, or misrepresentations.
- Referral for criminal prosecution

DDOT will bring to the attention of the USDOT any false, fraudulent, or dishonest conduct in connection with the program, so that USDOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the USDOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109. We also will consider similar action under our own legal authorities, including responsibility determinations in future contracts.

3. Joint Check Approval Requirements

Joint Check means payment of a balance due by a check issued to two or more payees. Typically used when a general contractor unilaterally issues a joint check to a subcontractor and its supplier.

DDOT's position stands that Federal Transit Authority (FTA) will not object to the use of joint checks when the following conditions are met:

- (1) The second party (typically the prime contractor) acts solely as a guarantor,
- (2) The DBE must release the check to the supplier,
- (3) The use of joint checks is a commonly recognized business practice in the industry,
- (4) DDOT approves the practice before it is used, and
- (5) DDOT monitors its use closely to avoid abuse.

DDOT must conform to each of the above conditions in order to apply the amount paid by joint check to towards a DBE participation goal.

Prime contractors and DBEs wishing to use joint check arrangements must submit a request in writing prior to starting work. Prior approval must be obtained from DDOT Office of Civil Rights. Submit the Joint Check request form to the Office of Civil Rights. See sample DBE Joint Check Request form in Appendix A.

This request must include the following:

The actual document requesting the arrangement, i.e., the original request presented from the DBE vendor, or DBE.

The Joint Check Arrangement Monitoring form should be completed and maintained throughout the joint check arrangement. See the attached DDOT Joint Check Arrangement Monitoring form in the Appendix A.

Please be advised of the following:

- 1) A written joint check agreement among the parties (including the suppliers concerned) should provide full and prompt disclosure of the expected use of joint checks. The agreement should contain all information concerning the parties' obligations and consequences or remedies if the agreement is not fulfilled or a breach occurs.
- 2) Prime contractors and DBE subcontractors must avoid exclusive relationships concerning the use of joint checks. If a prime contractor makes joint checks available to one DBE subcontractor, the service should be made available to all subcontractors (DBEs and non-DBEs).
- 3) Prime contractors and DBE subcontractors that make use of joint checks should limit the use to the procurement of materials needed for a particular purpose at a particular time. Long-term or open-ended joint checking arrangements may suggest a lack of independence for the DBE involved, and are a basis for further scrutiny by DDOT.
- 4) DDOT reserves the right to establish reasonable durational limits on joint checking arrangements that are subject to periodic review and renewal to ensure that the arrangement is not operating in a way that compromises the independence of the DBE.
- 5) DBE contractor must retain final decision-making responsibility concerning the procurement of materials and supplies, even when joint checks are involved. The relationship between the DBE and supplier should be established independently and without interference by the prime contractor. The rights of parties to a joint check arrangement prime contractor has the right to terminate the arrangement unilaterally, a DBE subcontractor shall have the same right.
- 6) Joint checks issued by the prime contractor must be delivered or mailed to the DBE for presentation and payment to the DBE's suppliers. The prime contractor should not make payment directly to the supplier.

4. Termination for Good Cause Only

Effective February 28, 2011

Prime contractors may not terminate for convenience a DBE that it relied upon to obtain the contract without; good cause and DDOT written approval

WHAT CONSTITUTES GOOD CAUSE?

- DBE fails or refuses to sign contract
- DBE fails or refuses to perform to normal industry standards
- DBE fails to meet prime's reasonable bond requirements
- DBE goes bankrupt
- DBE is suspended or debarred (ineligible for fed. contracts)
- DBE is not a responsible contractor (in opinion of recipient)
- DBE voluntarily withdraws
- DBE is ineligible to receive DBE credit for work type
- DBE death or disability
- Other documented good cause

WHAT DOES NOT CONSTITUTE GOOD CAUSE

- Prime wants to self-perform the work
- Prime wants to substitute with another DBE or non-DBE subcontractor
- Prime contractor makes it impossible for DBE to perform its work in an acceptable Manner.

REQUEST TO TERMINATE FOR GOOD CAUSE

- Prime gives written notice to DBE of intent to terminate with copy to DDOT
- DBEs have 5 days to respond to notice and explain why it objects and why DDOT should not approve prime's request (shorter period if public safety involved)
- Applies to post-awards and pre-award deletions and substitutions.

Attachment 6
Overall Goal Calculations for FHWA/FTA

THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Transportation



GOAL SETTING METHODOLOGY

GOAL SETTING METHODS

In accordance to February 2010 US Department of Transportation rule amendments to 49 CFR Section 25.45, the **District Department of Transportation (DDOT)** has established its FY 2013-2015 DBE goal of **18%** on Federal Highway Administration (FHWA) funded projects effective for a period of three (3) years: FY 2013-2015.

The following describes the goal methodology used to determine this three-year goal:

Step 1 - Determination of Relative Availability of DBEs Contractors

The first step in determining the relative availability of DBE Contractors is to identify DDOT's local market area. The local market area is defined by the U.S. Department of Transportation's Office of Small and Disadvantaged Business Utilization's (OSDBU) website, "*Tips for Goal Setting in the Disadvantaged Business Enterprise Program* (<http://osdbu.dot.gov/dbeprogram/tips.cfm>), as the area in which the substantial majority of the contractors and subcontractors with which DDOT do business are located and the area in which DDOT spends the substantial majority of its contracting dollars.

The local area market for DDOT is the Washington, DC Metropolitan Area, hereafter referred to as "Metro Area". The Metro Area is defined by the U.S. Census Bureau Metropolitan Statistical Area as Washington-Alexandria-Arlington-DC-MD-VA-WV. This area includes the District of Columbia; the Virginia cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Manassas and Manassas Park; the Virginia counties of Arlington, Clarke, Fairfax, Fauquier, Loudoun, Prince William, Spotsylvania, Stafford and Warren; the Maryland counties of Calvert, Charles, Prince George's and Frederick; and the West Virginia County of Jefferson <http://censtats.census.gov/cgi-bin/msanaic/msasect.pl>. It also includes the Bethesda, Rockville-Frederick Maryland Metropolitan Division which includes the counties of Frederick and Montgomery (<http://www.census.gov/population/metro/files/lists/2009/List1.txt>).

Data for this process was gathered by examining contract activity for the periods of FY 2010-2012 (October 1, 2009-September 30, 2012). Based upon examination, DDOT's contractual dollars totaled \$289,948,585.87 of which \$282,448,585.87 (97%) were awarded to prime contractors whose firms conduct business within the Metro Area. Ninety-eight (98%) of the firms that participated on DDOT's federal-aid projects conduct business within the Metro Area. Table 1 provides a detailed outline of the contracting activity during FY 2010-2012.

Table 1
Contracting Activity for Federal-Aid Contracts
During FY 2010-2012

Description	Total Awards and Commitments for the Period of 2010-2012	Amount Represented by Washington Statistical Area Market	Portion of Metropolitan Washington Statistical Area Market
Geographic Distribution Contract Dollars	\$289,948,585.87	\$ 282,448,585.87	97%
Distribution of Participating Prime Contractors	13	12	92%
Distribution of All Participating Contractors (including subcontractors)	177	174	98%

As specified in Section 26.45(c) of the DBE Regulations, the method used to calculate the relative availability of DBE firms within DDOT's local area market who are ready, willing and able. This calculation will provide the base figure for Step 1 of the goal setting process. In order to derive at the base figure, DDOT used the bidders list in addition to other supplemental information as described below:

- A comprehensive listing of all bidders lists that included all DBE and non-DBE bidders and/or contractors who at least expressed an interest in doing business with DDOT over the last three years. The bidders were both DBE and non-DBE firms and represented both prime contractors and subcontractors. The bidders' lists also included firms who were both awardees and non-awardees of contracts with DDOT. It has been determined that 244 firms sought to do business with DDOT on its federal-assisted projects.
- A list of DBEs and non-DBEs actively involved in DDOT's contracting program over the last three (3) years October 1, 2009-September 30, 2012 (FY 2010 – FY 2012).
- DDOT's and the Washington Metropolitan Transit Authority's DBE electronic Directories. These directories comprise of all engineering and highway related construction firms, suppliers, consultants, etc. certified by the US Department of Transportation approved **Unified Certification Program (UCP)** between the DDOT and the **Washington Metropolitan Area Transit Authority (WMATA)**.
- DDOT's Architect and Engineering Prequalification Schedule (A/E Schedule). This triennial competitive list is comprised of prime and DBE professional services firms who are prequalified by DDOT to perform engineering and other professional services on DDOT's infrastructure-related projects. This list also comprises of DBE and non-DBE firms who are both awardees and non-awardees.
- The Census Bureau 2010 Country Business Pattern for the geographical area of Washington-Arlington, Alexandria, DC-MD-VA-WV Metropolitan Statistical Area. (<http://censtats.census.gov/cgi-bin/msanaic/msadatl.pl>). This data is used to provide a more accurate account of all firms within the geographic market based upon current census data. The

data is collected annually. The data used in this report reflects data which was collected in 2010 and released for public use June 2012.

- The Tips for Goal Setting in the Disadvantaged Business Enterprise Program recommends consideration of state/local MBE/WBE Programs for businesses who would be potential DBE firms. The District of Columbia does not have an MBE/WBE program, however, the District Department of Small and Local Business Development maintains a database of locally based firms and designate small businesses as disadvantaged businesses based upon criteria as established by the Small Business Administration. The database was retrieved electronically and reviewed to remove those firms who are also certified DBE firms through the MWUCP.
- DDOT sponsored a South Capitol Street Industry Day Outreach Session on January 14, 2013. The attendance list is was retrieved and reviewed to see if there were firms that could be included in the data. After reviewing the list, many of the firms that were attendance are captured on other lists for the purpose of this process.

To ensure a true and accurate goal is selected based on the amount and scope, calculations used will be based on the percentage of work anticipated by each of the major business groups listed. DDOT has determined that there are two categories of scope of work that are engaged in its procurement program: highway design and engineering consultants and highway construction contractors. The anticipated work and percentage distribution best reflects the type of work by North American Industry Classification System (NAICS) codes that would typically be performed DDOT's federal aid contracts. The lists were sorted using NAICS codes and compared in order to avoid double counting.

According to the U.S. Census Bureau, NAICS Codes is the standard used Federal statistical agencies for the purpose of collecting, analyzing and publishing statistical data related to the U.S. business economy. As such, businesses are classified according to the primary line of business activity. Therefore, DDOT has determined the overall categories of active contractors available for projects planned in FY 2013-2015 from the following NAICS Codes listed in Tables 2 and 3, respectively:

**Table 2
Highway Design and Engineering (Consultants) NAICS**

NAICS CODE	NAIC DESCRIPTION
561730	Landscaping Services (Non-Architecture)
541611/18	Professional Services
541310/30	Engineering/Architect Services

Table 3
Highway Construction (Contractors) NAICS

NAICS CODE	NAICS DESCRIPTION
237310	Heavy Highway, Bridge & Civil Engineering
238110	Concrete Work
237110	Water, Sewer, Utility
238210	Electrical/Mechanical Contractors
238910	Demolition/Excavate Contractors
238120	Structural Steel Erection Contractors
238320	Painting Contractors
484110	Truckers/Hauling
443320	Material Wholesale (Suppliers)
327320	Ready Mix Concrete/Asphalt Paving Mixtures
339950	Signage

2. Calculation of Base Number and Actual Anticipated Work

After all of the data was collected, all lists were sorted, and compared and eliminating all duplicates, a total of approximately **949 DBE** firms were deemed “ready, willing, and able” to perform on DDOT contracts out of a universe of 10,970 firms both DBE and non-DBE firms. The base figure is then calculated by dividing the total number of DBE firms by the total number of firms within the Washington, DC metropolitan area to reflect the percentage of estimated project cost to be completed by the DBE firms. Of the 10,970 available firms, **949 (8.67%)** are DBE certified, ready, willing and able. Table 4 below illustrates the relative availability of DBE firms.

Table 4
Relative Availability of DBE Firms

NAICS Code	Dollar Amount	Number of DBEs available to perform this work	Number of all firms available (including DBEs)	Relative Availability	
237310	\$ 79,286,966.69	82	157	0.5223	
238110	\$ 33,138,515.49	47	319	0.1473	
237110	\$ 28,474,576.27	46	134	0.3433	
238210	\$ 23,319,696.08	59	1094	0.0539	
238910	\$ 20,864,991.23	56	405	0.1383	
238120	\$ 22,092,343.66	27	52	0.5192	
238320	\$ 20,128,579.78	52	715	0.0727	
541730	\$ 14,728,229.11	20	1785	0.0112	
541611/18	\$ 42,957,334.89	292	3580	0.0816	
541310/30	\$ 30,683,810.64	216	2342	0.0922	
484110	\$ 60,631,209.82	25	235	0.1064	
443320	\$ 14,973,699.59	15	35	0.4286	
327320	\$ 23,810,637.05	7	97	0.0722	
339950	\$ 4,909,409.70	5	20	0.2500	
Combined Totals		949	10970	0.0865	Overall DBE Availability

$$\text{Calculation: } \frac{\text{Total number of DBE Firms}}{\text{Total number of Firms}} = \frac{949}{10,970} = .0865 \times 100 = 8.65\%$$

Therefore, the Base Figure is **8.65% or 8.7%**.

In order to determine the specific contracting opportunities for FY 2013-2015, the DDOT has examined projects which are to be financially aided through grants from federal agencies under the Urban Mass Transportation Act of 1964, as amended.

Based on the examination of DDOT's budget proposed budgets estimates that it will execute contracts totaling (in \$Millions):

FY 2013:	\$140,000,000.00
FY 2014:	\$140,000,000.00
FY 2015:	\$140,000,000.00
	\$420,000,000.00

These dollars are to be utilized for highway, bridge and street construction, including excavation, demolition, backfill, PCC pavement base, resurfacing, sidewalks, and alleys.

Table 4 below shows the percentage of anticipated work that DBE firms are expected to perform on DDOT contracts according to the relevant NAICS Codes from Tables 2 and 3 above:

**Table 5
Percentage of Work Anticipated on DDOT Contracts**

NAICS CODES	NAICS DESCRIPTION	AMOUNT OF DOT FUNDS ON PROJECT:	% OF TOTAL DOT FUNDS (WEIGHT)
237310	Heavy Highway, Bridge & Civil Engineering	\$79,286,966.69	0.1888
238110	Concrete Work	\$33,138,515.49	0.0789
237110	Water, Sewer, Utility	\$28,474,576.27	0.0678
238210	Electrical/Mechanical Contractors	\$23,319,696.08	0.0555
238910	Demolition/Excavate Contractors	\$20,864,991.23	0.0497
238120	Structural Steel Erection Contractors	\$22,092,343.66	0.0526
238320	Painting Contractors	\$20,128,579.78	0.0479
541730	Landscaping Services (Non-architecture)	\$14,728,229.11	0.0351
541611/18/19	Professional Services	\$42,957,334.89	0.1023
541310/30	Engineering/Architect Services	\$30,683,810.64	0.0731
484110	Truckers/Hauling	\$60,631,209.82	0.1444
443320	Material Wholesale (Suppliers)	\$14,973,699.59	0.0357
327320	Ready Mix Concrete/Asphalt Paving Mixtures	\$23,810,637.05	0.0567
339950	Signage	\$4,909,409.70	0.0117
Total DOT-Assisted Contract Funds		\$420,000,000.00	1

A further analysis revealed that based upon the two categories listed in Tables 4 above, out of a three (3) year total federal aid spending of \$420,000,000, it is anticipated that during FY 2013-15, DDOT

anticipates spending approximately \$331,630,625.37 (79%) of federal-assisted funds on construction and approximately \$88,369,374.63 (21%) on highway design and engineering-related contracts as demonstrated in Tables 7 and 7 below:

**Table 6
Three-Year Anticipated Contract Totals for
Highway Design and Engineering-related Contracts**

NAICS CODE	DDOT DBE FIRMS	METRO AREA TOTAL FIRMS	THREE YEAR CONTRACT TOTAL:	% OF TOTAL DOT FUNDS (WEIGHT)
541730	20	1785	\$14,728,229.11	0.0351
541611/18	292	3580	\$42,957,334.89	0.1023
541310/30	216	2342	\$30,683,810.64	0.0731
	528	7707	\$88,369,374.63	0.2104

The percentage of anticipated work for DBE firms in the Highway Design and Engineering firms was calculated as such:

$$\frac{\$88,369,374.63}{420,000,000.00} = .02104 \times 100 = 21.04 \%$$

Table 5 below analyzes the anticipated three-year contract total DDOT will spend on highway construction contracts:

**Table 7
Three-Year Anticipated Contract Totals for
Highway Construction Contractors**

NAICS CODE	DDOT DBE FIRMS	METRO AREA TOTAL FIRMS	THREE YEAR CONTRACT TOTAL	% of total DOT funds (weight)
237310	82	157	\$79,286,966.69	0.1888
238110	47	319	\$33,138,515.49	0.0789
237110	46	134	\$28,474,576.27	0.0678
238210	59	1094	\$23,319,696.08	0.0555
238910	56	405	\$20,864,991.23	0.0497
238120	27	52	\$22,092,343.66	0.0526
238320	52	715	\$20,128,579.78	0.0479
484110	25	235	\$60,631,209.82	0.1444
423320	15	35	\$14,973,699.59	0.0357
327320	7	97	\$23,810,637.05	0.0567
339950	5	20	\$4,909,409.70	0.0117
Totals	421	3263	\$331,630,625.37	0.7895

The percentage of anticipated work for DBE firms in the Highway Construction firms is calculated as:

$$\frac{\$331,630,625.37}{\$420,000,000.00} = .7895 \times 100 = 78.95 \text{ or } 79\% \text{ rounded}$$

Weighted Calculation of the Step 1 Base Figure:

To ensure the accuracy of the Step 1 Base Figure, the base figure was weighted and calculated using the percent of the total contract dollars for each anticipated contract from Table 6 and 7, and the figures for relative availability of DBEs for each contract from Table 4. This calculation allots funds according to the percentage of work each type of business would perform in the execution of upcoming projects involving the delivery of goods, design, consulting, and construction as illustrated in Table 8.

The calculation is as follows:

$$.79 \frac{[\text{Total number of DBE Heavy Construction Firms}]}{[\text{Total number of Heavy Construction Firms}]} + .21 \frac{[\text{Total Number of DBE Highway Design and Engineering Firms}]}{[\text{Total Number of Highway Design and Engineering Firms}]}$$

$$= .79 \frac{[421]}{[3263]} + .21 \frac{[528]}{[7707]} = .79 * .1290 + .21 * 0.0685 = .1019 + .01438$$

$$= 0.1019 + .01438 = .11629 * 100 = 11.629$$

Weighted Base Figure= 11.629%

**Table 8
Weighted Base Figure Calculation**

Category	WEIGHTED AVAILABILITY	Forecasted % Budget	Weighted Step 1 Base Figure
Highway Construction	12.90	78.95	10.19
Highway Design and Engineering	6.85	21.04	1.43

FY 2013-2015 Overall DBE Goal

11.62

Step 2 – Adjustment to Base Figure

- 1. Consideration of Previous Years’ Performance**
- 2. Adjusting the Step 1 Base Figure with the Median Past Performance**

49 CFR Section 26.45(d) and the goal setting and methodology guidelines set forth on OSDBU website, examples are data that can be analyzed and taken into consideration in order to adjust the Step 1 Base figure in order to narrowly tailor the goals to the precise local market. The idea is to determine a reasonable level of DBE participation that can be achieved absent discriminatory practices. This adjustment process begins by reviewing the DDOT’s Median Past Performance.

In order to determine past participation performance, the DDOT has collected contracting data over a period of seven (7) years. The adjustment process begins by calculating the DDOT’s “median” past participation percentages. DBE participation for the past seven (7) years is shown in Table 9 below. The median percentage is determined by the middle percentage for the past seven (7) years.

**Table 9
MEDIAN FOR THE FIVE YEAR
CONTRACT PERIOD (FY 2008 – 2012)**

Contract Period	Contracting Volume	% DBE
FY2008	\$ 34,390,957.00	21.80%
FY2009	\$ 106,704,701.00	29.58%
FY2010	\$ 164,654,925.87	15.97%
FY2011	\$ 66,397,918.00	23.49%
FY 2012	\$ \$58,895,742.00	52.96.%

The median percentage of past five (5) years performance is 23.49%.

The USDOT OSDBU *Tips* state, “If your records suggest levels of past participation very similar to the number you calculated in Step 1, then it is not necessary to make any adjustment for past participation.” There is a significant difference between the Weighted Base Figure and the Median Past Performance, therefore, an adjustment to the base figure is appropriate. The calculation for the adjustment is as follows: identify the median past performance, which according to the Table 9 above, is 23.49. The median figure is added to the weighted base figure and divided by 2 to determine the median as outlined in the table below.

Median Past Participation	23.49
Weighted Base Figure	<u>11.62</u>
	35.11/2
Overall DBE Three Year Goal	17.55 or 18%

Based upon the calculations above, the overall three-year goal year goal is **18%**.

3. Adjusting the Goal in Consideration of Current Market Dynamics

DISPARITY STUDY

The OSDBU’s *Tips for Goal Setting in the Disadvantaged Business Enterprise Program’s* website, suggest that data should be collected and analyzed to consider the current market dynamics as a means to determine whether or not an adjustment to the goal is necessary. One suggested method is to analyze the results of a disparity study. The DDOT has not conducted a disparity study. **Therefore, we do not have sufficient quantitative data to support an adjustment.**

Other factors of consideration in determining whether an adjustment of the goal is needed are the following:

a. The current capacity of DBEs to perform work in your DOT-assisted contracting program, as measured by the volume of work DBEs have performed in recent years

Due to the increased interest of DBE firms from other areas entering into DDOT's market and the increased number of small businesses who participate in the District government's local small and local disadvantaged business program applying for DBE certification, DDOT expects an increase in the capacity of DBE firms to perform work in our DOT-assisted contracting program. **Therefore, no adjustment based upon this criterion is necessary at this time.**

b. Base figure is the goal of another recipient.

The base figure that was calculated was not that of another recipient, therefore no adjustment based upon this criterion is necessary.

The regulations 49 CFR Part 26(d)(1) requires DDOT to consider evidence, if available, from related fields that affect the opportunities for DBEs to form, grow and compete. These include, but are not limited to:

(i) Statistical disparities in the ability of DBEs to get the financing, bonding and insurance required to participate in your program;

DDOT has not performed a disparity study to determine the extent of the difficulty of DBE firms to obtain bonding and insurance to participate in the DBE program. Through informal meetings with various DBE firms and workshops sponsored by the DBE Supportive Services Program, there is an interest, as expressed by the DBE firms, to obtain bonding and/or insurance or to increase their bonding capacity in order to be competitive in this market. However, within the past two years during informal dialogues, a number of DBE firms have requested that DDOT decrease the bonding requirement to a level where small businesses can compete among other small businesses in order to compete as prime contractors on DOT-assisted projects. The request is under consideration by the Agency; however, the DBE Supportive Services Program continues to partner with SBA-approved lenders to provide bond financing education workshops for our small business community. **Therefore, an adjustment based upon this criterion is not necessary at this time.**

(ii) Data on employment, self-employment, education, training and union apprenticeship programs, as it relates to the opportunities for DBEs to perform DDOT's DOT-assisted program.

According to the District Department of Employment Services Preliminary Ward Labor Force, Employment, Unemployment and Rate statistics, as of October 2012, the unemployment rate for the Washington-Alexandria-Arlington-DC-MD-VA Metropolitan Statistical Area is 5.1 (http://does.dc.gov/sites/default/files/dc/sites/does/page_content/attachments/October_12_DCar ea_EmplStatus.pdf). However, the unemployment rate for the District of Columbia is 8.3%. While the unemployment rate for the District is lower than last year's rate of 8.9%, there are three (3) wards within the District of Columbia that continues to lag behind other wards of the city. Ward 5, 7 and 8 has unemployment rates of 11.2, 13.7 and 20.7 respectively. The District has initiated a number of incentives for businesses to employ District residents. Additionally, there are a number of pre-apprenticeships, apprenticeships and other training opportunities to prepare individuals within the region for the construction industry. These programs are available

to assist DBE firms to increase their workforce capacity on DOT-assisted projects. **Therefore, an adjustment based upon this criterion is not necessary at this time.**

(3) Adjustment to base figure to account for the continuing effects of past discrimination

At this time, DDOT does not have evidence that would warrant an adjustment to the base figure to account for continuing effects of past discrimination.

RACE/GENDER-NEUTRAL AND RACE/GENDER-CONSCIOUS MEASURES

The DDOT will continue its efforts to meet the maximum feasible portion of its overall goal using Race/Gender-Neutral (R/G-N) means. Historical contracting data for the periods of FY 2011-12 supports DDOT’s ability to achieve 18 % DBE participation as evidenced by the calculations below in Table 10.

**Table 10
Overall DBE Participation for FY 2010-2012**

Fiscal Year	2010	2011	2012	Three-Year Year Total
Total Contracts	\$164,654,925.87	\$ 66,397,918.00	\$58,895,742.00	\$289,948,585.87
Total DBE Participation	\$ 26,308,810.12	\$ 15,602,887.80	\$31,197,542.00	\$ 73,109,239.92
Race/Gender Conscious	\$ 16,008,346.72	\$ 12,697,398.60	\$ 8,941,964.00	\$ 37,647,709.32
Race Gender/Neutral	\$ 10,300,463.40	\$ 2,905,489.20	\$ 22,255,578.00	\$ 35,461,530.60
% R/N Participation	6.25	4.37	37.78	12.23
% R/C Participation	9.72	19.12	15.18	12.98
% of Total DBE Participation	15.97	23.49	52.96	25.21

The table reflects a noticeable difference in race neutral attainment from 6.25 percent in FY 2010 to 37.78 percent in FY 2012. FY 2010 and FY 2011 data may not accurately reflect all of the race/neutral activity for those years. Due to the failure to count DBE Primes as Race Neutral Participation, previous reporting likely resulted in the undercounting of race neutral participation. Moving forward, DDOT will track more closely eligible DBE firms who are participating as prime contractors. The opportunity to closely monitor contracting activity that may result in race/gender/neutral goal attainment will come through three avenues: (1) the number of DBE professional services firms who are on DDOT’s A/E Schedule who receive prime contracts; (2) construction contractors who are prime contractors; and (3) DBE prime contractors who also perform as subcontractors.

During FY 2010-2012, DDOT in collaboration with the DBE Supportive Services Program, developed a concentrated business development program that assisted with capacity building, marketing workshops and networking opportunities for DBE firms. Additionally, with the advancement of the 11th Street Bridge Project and increased activity within the Anacostia Waterfront Initiative Program, there has been a concerted effort by the prime contractors to identify opportunities for DBE firms. The Office of Civil Rights has increased its engagement with DDOT’s program administrations and offered assistance to consider all possibilities where DBE firms can participate in the procurement program. While the prime contracting community continues to demonstrate a commitment to work with DBE firms in a market that requires a certain level of specificity and expertise, there is still a need to continue to address the apparent imbalance in contracting with the understanding that the goal is to develop a narrowly tailored DBE program. DDOT plans to maintain its ability to continue exercising its authority, when necessary, to impose Race/Gender-Conscious (R/G-C) measures because DDOT believes that R/G-C measures are necessary to ensure equitable DBE participation at the subcontract level and level the playing field for smaller DBEs struggling to compete in this highly competitive

market. To determine the race/gender neutral goal for FY 2013-2015, the historical median for overall race neutral participation has to be calculated. Table 11 below examines the median past participation of DBE subcontractors in excess of the goal during the period of FY 2010-2012:

**Table 11
Race/Gender Neutral DBE Subcontractors for FY 2010-2012**

Fiscal Year	Total Awards	Race Gender/Neutral	% of Total Subcontract Awards
FY 2010	\$164,654,925.87	\$ 8,138,990.40	4.94
FY 2011	\$ 66,397,918.00	\$ 1,716,379.00	4.37
FY 2012	\$ 58,895,742.00	\$ 876,954.00	1.48
		Historical Median	4.37

The next step in calculation the Race/Gender-Neutral participation, DDOT examine the existing available data from fiscal years FY 2010 through FY 2012 to determine the median past participation of DBE prime contractors. Table 12 below provides the following data:

**Table 12
DBE Prime Contractor Awards for FY 2010-2012
(Race-Neutral)**

Fiscal Year	Total Awards	DBE Prime Contract Awards (Race Neutral)	% of Total Subcontract Awards
FY 2010	\$164,654,925.87	\$ 2,161,473.00	1.31
FY 2011	\$ 66,397,918.00	\$ 1,189,110.20	1.79
FY 2012	\$ 58,895,742.00	\$21,378,624.00	36.29
		Historical Median	1.79

The data collected is then used to perform the following calculations:

Median Past Participation (MPP) by DBE Prime Contractors 1.79

Median Past Participation by DBE Subcontractors in Excess of Goal 4.37

Anticipated Race-Neutral Participation (4.37 + 1.79) 6.16

Race Neutral Goal: 6.16 or 6%

Overall DBE Goal: **17.51 or 18%**

18.00-6.00

Race Conscious Goal: **12.00**

Race/Gender Neutral Goal: 6%

In consideration of these factors, the DDOT believes that the continued use of both Race/Gender-Neutral and Race/Gender-Conscious measure are necessary in order to achieve fair/equitable contracting and recommends a three year (2013-2015) DBE Goal to be adjusted to **12%** using Race/Gender-Conscious and **6%** using Race/Gender-Neutral measures.

In accordance with federal regulations, DDOT will comply with the DBE program's objective to meet its maximum feasible portion of its overall DBE through race neutral means. DDOT will monitor the Agency's contract activity and its progress towards attainment. The Agency will make the adjustments as necessary

consistent with the regulations. Additional methods used to increase participation through race neutral means are included in Appendix A.

PUBLIC PARTICIPATION – 2013-2015 DBE GOAL COMMUNITY COMMENTS

Consistent with the requirements of 49 CFR Part 26, DDOT will aggressively seek input of the business community in the design and implementation of its DBE Program, including receiving comments regarding the effectiveness of its established annual goals and the appropriate methodology for setting its annual overall goal. Public comments are currently being gathered during the 45 day open comment period. The process for involving the public and capturing relevant comments is as follows:

During March 2013, a public notice is scheduled to be posted on DDOT's website (<http://ddot.dc.gov/DC/DDOT/About+DDOT/Who+We+Are/Civil+Rights/Disadvantaged+Business+Enterprises>) and distributed widely to the business community at large announcing the 45 day comment period as well as the 30 day public review period. Additionally, a public meeting will be scheduled for late March 2013. Additionally, the notice will be published in the following seven (7) publications including minority-focused newspapers within the Washington region:

- Afro-American Newspaper;
- India Globe/Asia Today
- Kaggwa Communications/The District Chronicles
- The Washington Examiner
- The Washington Hispanic
- The Washington Informer
- The Washington Times

Mohammed Kabir at (202) 299-2190 and Luisa Portillo at (202) 671-0630 will receive comments and questions concerning this methodology. Once the 45 day comment period has ended and all comments have been analyzed, DDOT will make a determination if further **Step 2 Adjustments** are required.

APPENDIX A-
DDOT'S RACE NEUTRAL ACTIVITIES

During FY 2010-12, DDOT engaged in a number of race neutral activities targeted to support the small business community. The DBE Supportive Services Program, partnered with its regional small business development partners to offer a variety of business development activities.

SMALL BUSINESS CAPACITY BUILDING ACTIVITIES

The DDOT has continued its efforts to assess its business capacities through on-going outreach and small business development.

SURVEYS FOR DBE FIRMS AND PRIME CONTRACTORS

In FY 2010, The DBE Supportive Services Program developed two surveys: One each for DBE firms and prime contractors. This much-anticipated project was necessary in order for the DDOT to ascertain the needs of the DBE community and to evaluate the persistent barriers to participate in DDOT's highway and road construction projects.

DEVELOPMENT OF THE BUSINESS ASSISTANCE PROGRAM (BAP)

In FY 2011, the DBE Supportive Services Program contracted with MHM Financial Services to develop a needs assessment for DBE Firms, recruit and provide technical assistance to twenty-five (25) DBE firms in the Business Assistance Program (BAP) and provide additional training to the small business community. The assistance will also serve as the beginning of a roadmap for the Agency as it seeks to develop a stronger race-neutral small business program and to facilitate new firms who are seeking to participate in DDOT's highway and road construction procurement program.

DBE SUMMIT

During FY 2011 and FY 2012, DDOT hosted an annual networking event (DBE Summit) to discuss procurement opportunities and provide networking opportunities with the Agency's prime construction contractors and A/E project managers. Both events attracted over 200 participants from across the Washington Metropolitan region. DDOT has decided to continue to host this event annually. We have listened to the small business community, and they expect to build more partnerships with prime contractors.

2013-2015 DBE GOAL COMMUNITY COMMENTS

DDOT will hold a public meeting to receive comments specifically about the establishment of its FY 2013-2015 DBE Goal. In accordance with 49 CFR Part 26.45(g)(1) and (2), the meeting notice will be published in various local news publications and on DDOT's website. The document will be available for public review and comments during our normal business hours. DDOT will also accept comments on the goals for 45 days from the date of the notice.

OUTREACH

DDOT will continue its efforts throughout the Washington Metropolitan Area to recruit DBEs and other small business concerns, focusing on agencies performing similar transportation-related contracting, i.e., the Departments of Transportation for Maryland and Virginia, Washington Airports Authority, and WMATA.

NETWORKING

DDOT will continue to host networking sessions linking prime contractors with subcontractors in an effort to facilitate communications and awareness regarding the capabilities of DBE certified firms and other small business concerns to enhance joint partnership opportunities.

SUPPORTIVE SERVICES

DDOT will continue its initiatives to provide support services to its certified DBEs. DDOT will continue conducting targeted assessments of the capabilities of its certified DBEs, and other small business concerns by identifying and providing technical assistance and training necessary to assist with their growth and development objective. DDOT established a centralized Business Opportunities and Workforce Development Center (BOWDC) where the small business community receives assistance in the area of bond readiness, financial planning, bidding and estimating, etc. Eligible construction-related small businesses will also be able to access the BOWDC during regular business hours to obtain information on bid/subcontracting opportunities, utilize computer terminals to access information regarding procurement opportunities, developing business plans, and accounting and bidding software.

DBE NEWSLETTER AND OTHER ON-LINE PUBLICATIONS

The DBE Supportive Services Program through the BOWDC publishes a quarterly newsletter, The DBE Insider. Although the target audience is the DBE community, the information is applicable to all small businesses regarding information on current DDOT projects, both locally and federally funded procurement opportunities.

EXPANSION OF SMALL BUSINESS DEVELOPMENT TECHNICAL ASSISTANCE AND RESOURCES

Partnership with DBE Financial Institutions

In accordance with 49 CFR Part 26.27, DDOT welcomed the Industrial Bank of Washington (IBW) to the Short Term Lending Program team. IBW is the oldest and largest African American commercial bank in the metropolitan Washington region. IBW has several branches in the District of Columbia and in Prince George's County, Maryland. The DBE/SS Program through its BOWDC will partner with IBW in the new fiscal year on several small business financial education workshops.

Webinar: Doing Business with DDOT

During FY 2012, the Agency embarked on a series of webinars entitled, "Doing Business with DDOT." This webinar series includes: DDOT 101 How to Do Business with DDOT, Contract Basics, How to Write a Winning Proposal and other offerings that will be provided during the remainder of FY 2012. It is the Agency's goal to provide recurring webinars that will take into

consideration new firms that enter into the Agency's market and also require the course for new and re-evaluated DBE firms. During the outset of the training season, these webinars were targeted towards DBE firms participating in the Business Assistance Program. However, the Office of Civil Rights (OCR) received positive feedback, and therefore, made the courses available to the general small business community.

Business Assistance Program (BAP)

MHM Financial Services, the DBE/SS Consultant, distributed an approved needs assessment to 650 DBE firms that are DDOT/WMATA certified. The DBE firms were grouped into three categories: general DBE firms; the 40 active DBE firms who currently or recently held subcontracts or contracts on the Agency's federal-aid projects; and those firms who are receiving ongoing supportive services or who have required some level of intervention from the Office of Civil Rights during the past two years. The needs assessment consisted of 61 questions and the responses were analyzed to determine areas of strengths, weaknesses and business capacity. Of the 650 DBE firms that were provided the survey, 84 DBE firms completed needs assessments. Out of the 84 respondents, 60 expressed an interest in participating in the Business Assistance Program.

Doing Business with DDOT Annual Business Forum

In September, 2010, DDOT convened its first "Doing Business with DDOT Annual Business Forum". The BOWDC Coordinator supported the efforts of DDOT's Infrastructure Project Management Administration in providing outreach and recruitment efforts to the general business community. This was DDOT's first official forecasting event that informed the DBE and prime contracting community about future federal-aid contracts for FY 2011. Over 100 firms attended the successful event.

11th Street Bridge Small Business Development and Outreach Activities

In partnership with our 11th Street Bridge Design Build Project DBE Project Management Team, OCR along with our sister agencies, District Department of Small and Local Business Development, Department of Housing and Community Development and the Department of General Services, hosted a workshop entitled, Vertical vs. Horizontal: How to Leverage Your Business Capacity on Federal-aid Projects. This workshop was opened to all small businesses who are engaged in vertical (building) construction to consider their transferrable skill sets to horizontal (infrastructure) construction.

OCR's Business Opportunity and Workforce Development Team will continue to pool available resources, in partnership with our sister agencies, the Department of Small Business Development, Department of Housing and Community Development, the Department of General Services and the Office of Contracting and Procurement, to provide training and workshop opportunities in an effort to increase the number of DDOT's pool of firms who are ready, willing and able to compete and perform on the Agency's federal-assisted contracts

Other Supportive Services

The BOWDC Team continues to support our DBE firms who are currently engaged on DDOT's federal-aid highway construction projects. Throughout the quarter, the team has conducted the following activities:

- Assisted prime contractors' good faith efforts for partnering with DBE firms on federal-aid projects;
- Fielded DBE concerns regarding non-payment and work scheduling matters;
- Supported new DBE firms entering our program and providing information on upcoming business opportunities with DDOT and our partner agencies in the Metropolitan Washington area;
- Assisted over 200 DBE firms with procurement information, capability statement advisement and general information about the DBE program;
- Publishing and Distribution of bi-weekly procurement announcements; and
- Attending outreach events sponsored by our partnering agencies.

ON-GOING COMMUNICATION WITH PRIME CONTRACTOR COMMUNITY

The BOWDC Coordinator publishes a quarterly electronic newsletter to inform the prime contracting community of the various resources available to increase their DBE subcontractors' financial capacity, safety qualifications and technical skills. The newsletter also informs the prime contractor community of the availability of the BOWDC coordinator and other OCR staff members for consultation prior to the need to substitute a DBE firm on a federal-aid project.

Prime Contractor Survey

To better determine the needs of the prime contractor community, the DBE/SS team collaborated to develop and distribute the prime contractor survey. Using Survey Monkey, an online survey instrument, the survey period ran for approximately one from March 18, 2011 and April 15, 2011. The goal was to get a snapshot of responses prior to the DBE Summit and Networking Event. Below is an excerpt from the survey.

- The DBE/SS Business Development Consultant advertised the prime contractor survey to a total of 100 prime contractors.
- Twenty-seven (27) responded to the online survey, (a response rate of approximately 30%)
- Approximately **80% of the** respondents indicated that DC **was** their primary place of business. **100%** of the out-of-state respondents indicated primary business operations in **Virginia, Maryland, and/or Pennsylvania.**
- The majority of respondents are **A/E firms:**
- Nearly **56%** of Prime Contractors who responded have received **1-5** DDOT federal-aid contracts. Almost **30%** of the respondents have not received any (**zero**).

Networking Opportunities with the Prime Contractor Community

During FY 2011-12 the DBE SS team in collaboration with the District Department of Small and Local Business Development (DSLBD), the BOWDC team supported the good faith efforts of our prime construction and engineering community. Notably, individual networking sessions were held for Fort Myer Construction Company and Parsons Brinckerhoff (PB) for DBE firms and other small businesses that were interested in pursuing subcontracting opportunities. FMCC is DDOT's most active federal-aid contractor that has experienced challenges with identifying locating DDOT-certified firms who have the business capacity to perform on the Agency's federal-aid construction projects. PB is also a well-respected engineering firm that conducts

business with DDOT on a number of federal aid projects. Both events attracted over 40 firms who were eager to market their services to these respected firms in our community. Additional firms are scheduled for FY 2013.

11th Street Bridge Project

The DBE Supportive Services through the BOWDC is actively engaged in informing the small business community regarding upcoming business opportunities on the 11th Street Bridge Project. This \$260 million, 4 ½ year project is considered to be a major economic development stimulus for communities east of the Anacostia River and those communities that border the bridge project. The BOWDC Coordinator facilitated a meeting with the contractor, Skanska/Facchina Joint Venture (SKJV) and representatives from several community-based and national organizations representing the minority and small business and workforce development constituencies and the District Department of Small and Local Business to plan a series of outreach activities. Among the small business advocacy groups is the Metropolitan Washington Area Chapter of the National Association of Minority Contractors (NAMC). The contractor, SKJV is a corporate sponsor for this organization and DDOT values the advocacy effort of the NAMC to ensure that the small business community has a fair and equal opportunity to participate on this project.

On February 18, 2010, the contractor in partnership with DDOT, held its first 11th Street Bridge Small Business Vendor Fair. This key outreach event which attracted over 100 vendors had several purposes: (1) to introduce the contractor to the small business community; (2) to provide the small business community an opportunity to learn about contracting opportunities on this project; and (3) to ensure a transparent process that holds the contractor accountable in meeting its DBE goals through their good faith effort requirement.

During the latter part of FY 2011, the BOWDC Management team collaborated with the Business Transformation Group (BTG), a management consultant team to assist the HNTB, the contract management company for the 11th Street Bridge Project. An integral component of BTG's responsibilities is to assist the prime contractor, Skanska/Facchina Joint Venture (SFJV), increase outreach activities targeting the small business community regarding upcoming business opportunities on the 11th Street Bridge Project. Several outreach events and the utilization of an assessment tool were developed to increase the number of local area firms who would be eligible to consider subcontracting opportunities on the project.

The first of such activities occurred on September 30, 2011, with an 11th Street Bridge Project Information Session. The purpose of the information session was to provide an update of the project and possible business opportunities for DBE and other small businesses firms to consider during the final phase of construction of the 11th Street Bridge. Over 40 firms were in attendance and were able to network with SFJV's procurement and DBE outreach staff. Additional outreach activities are scheduled for FY 2012 which began October 1 and will be reported during the FY 2012 program year.

TECHNICAL TRAINING

Road and Highway Construction Safety Certification and Compliance

Throughout FY 2010-12, the BOWDC sponsored several safety certification courses in collaboration with our trainer/partner The American Road and Transportation Association (ARTBA) the following courses were offered:

- 1) 30-Hour OSHA courses
- 2) 10-Hour OSHA Courses (including rollover/rollback safety)
- 3) Construction Math, Blue Print Reading and Estimating
- 4) Flagger Courses
- 5) First Aid/CPR

The American Road and Transportation Builders Association (ARTBA) conducted a Flagger Training Course. In FY 2012 in partnership with ARTBA and the University of the District of Columbia Community College Workforce Development and Lifelong Learning Division (UDC-CC), a 10-hour OSHA training with rollback/rollover safety was offered to all construction-related small businesses in both English and Spanish languages. As of this date, 49 participants attended the courses or received the courses on site at their offices.

During FY 2010-12, the BOWDC in partnership with the District Department of Housing and Community Development and the U.S. Department of Labor Wage & Hour Compliance Division, sponsored annual Davis Bacon Act workshops. This workshop is opened to both primes and subcontractors who are required to submit weekly certified payroll records.

Low Impact Development (LID) Training for Small Business Firms

DDOT and the Community College the University of the District of Columbia (CCDC) Workforce Development Center for Lifelong Learning executed a Memorandum of Understanding (MOU) to implement the Low Impact Development (LID) Training for Small Business firms. This is another much need program that will increase opportunities for small landscaping firms.

Financial Capacity Building

During FY 2010-12 DDOT's DBE Consultants and the 11th Street Bridge DBE Project Management Team and the Mid-Atlantic Region Small Business Transportation Resource Center facilitated several Financial Capacity workshops that included construction financing options. The DBE/SS Marketing /Business Development Consultant convened a meeting with the Mid-Atlantic Region Small Business Transportation Resource Center (SBRTC) Program staff and the Short Term Lending Program (STLP) lenders to strategize how to best serve the small business community and build their financial capacity. Following that, we developed plans to team with SBRTC and regional STLP lenders to offer financial information and technical assistance sessions for DBE and other small business firms at the BOWDC.

ADDITIONAL OPPORTUNITIES/EVENTS

The DDOT OCR and the DBE/SS Team engaged in several activities that were targeted towards the small business community at large. The following race/neutral activities are outlined below.

Procurement Opportunities

Throughout FY 2010-12, the BOWDC distributed regular bi-weekly procurement workshops and training updates to DBE firms listed in DDOT's and WMATA's directory. Additionally, the DBE Supportive Services Coordinator shared the announcements with DDOT's regional partners in Maryland and Virginia and with other partners that serve the small business community throughout the Metropolitan Washington Region.

DBE Summit and Networking Event

The DDOT OCR, led by the DBE Supportive Services Team, in collaboration with the District Division of the Federal Highway Administration (FHWA), will facilitate and host an annual DBE Summit. Each year, over 200 participants attend the event that features industry-related workshops and networking. Beginning in FY 2013, as a component of the Agency's Race/G-N, small business program, the program will be expanded to include a greater number of construction-related small business firms.

Collaboration with the District Department of Small and Local Business Development

In an effort to expand our DBE directory with certified DBE firms who are ready, willing and able to perform on DDOT's federal-aid highway construction projects, the DDOT OCR elevated its partnership with the District Department of Small and Local Business Development's by participating in its pre-certification information sessions. The DBE Marketing/Business Development Consultant conducts quarterly "DBE for CBEs" information sessions. These sessions provide our local certified businesses information about our DBE program and potential business opportunities. Further, as the agency develops its small business enterprise program, this partnership in addition to our other sister transportation agencies, will be a valuable resource for competitive federal-assisted transportation projects.

Partnerships with other Small Business Development Entities

During FY 2013, the BOWDC staff will engage the Washington, DC Small Business Development (SBDC) Network, under the leadership of Darrell Brown and the SBDC staff to solidify a partnership to provide support and technical assistance to small business firms. This is not the first time that DDOT and SBDC partnered on business development-related projects. In 2008, the SBDC, along with WMATA, partnered with DDOT to host several procurement workshops, including one that focused on women-owned businesses. Therefore, the BOWDC team looks forward to continuing to work with the SBDC under their new leadership.

Outreach Activities

During FY 2010-12, the DBE Supportive Services Team under the auspices of the BOWDC participated in the following procurement outreach events:

1. Exhibitor at the Annual OSDBU Procurement Fair
2. Participated as a panelist during the Congress Heights Community Leadership Development Council with the Office of Contracts and Procurement
3. Exhibitor at the Metropolitan Washington Airports Authority Annual Business Opportunity Day
4. Exhibitor at the U.S. Department of Transportation OSDBU Veterans Event
5. Exhibitor at the U.S. Department of Transportation OSDBU Networking Event

University of Maryland Transportation Technology Transfer Center

The DBE/SS Program partners with the University of Maryland Transportation Technology Transfer Center to offer advanced transportation-related training to DDOT-certified DBE firms. The DBE/SS subsidizes the cost of the training for qualified DBE firms.

Partnerships

The Agency believes the success of the DBE/ SS Program is due to the work and relationship building of the BOWDC staff and the strategic partnerships that it recruits to carry out the mission of this program. Each partner is committed to the development of the small business entrepreneur and to assisting individuals to obtain sustainable employment through the highway construction trade industry. Each partner has offered their organizational resources in-kind or at reduced costs as their commitment to the Agency and to the program.

Federal Highway Administration Headquarters Office of Civil Rights and the District of Columbia Division.

The FHWA supports the BOWDC programs by utilizing funds authorized under 23 USC 140c for a total contribution for one year of the program for \$99,000. However, DDOT is currently utilizing the remaining prior years' funding to implement this program. Further, the OCR will provide leadership and technical assistance on the development and implementation of the BOWDC program.

DDOT welcomes the opportunity to work directly with FHWA staff to provide local oversight of the program throughout the duration of the project.

District Department of Transportation Infrastructure Project Management Administration

Serve as the BOWDC's fiscal partner as an integral outreach component of the Anacostia Waterfront Initiative.

District Department of Employment Services (DOES)

DOES has agreed to support this effort on a variety of programmatic levels due to its mission to assist businesses in increasing and developing their workforce capacity, encouraging entrepreneurship as an alternative employment strategy and assisting unemployed individuals to gain sustainable employment.

- Project Empowerment and the Senior Empowerment Program provide in-kind services through the recruitment and placement of individuals in the areas of administrative support.

Department of Local, Small and Disadvantaged Business Development (DSLBD)

As a founding partner, the DLSBD Office partners with the BOWDC to offer free or low cost business development courses designed for small businesses. The office has also offered their training space to host seminars as it is conveniently located in central downtown Washington, D.C.

The Office of Contracting and Procurement

Provide roundtable discussions on DDOT's procurement forecasting and other vital workshops targeted toward small business development.

Washington Metropolitan Transit Authority (WMATA)

As a partner in the Unified Certification Program, WMATA provides the DBEs with additional procurement opportunities. WMATA also is a strategic partner on various networking events and procurement conferences.

DC Chapter, National Association of Minority Contractors (NAMC)

Offers access to members who are DDOT DBE certified and also pledges to co-sponsor events targeted to the organization's membership.

The American Road and Transportation Builders Association (ARTBA)

Current contractor - provide the advanced safety certifications for our DBE firms.

University of Maryland Transportation Technology Center

Strategic Partner that provides advanced technical training courses to certified DBE firms.

Ward 8 Business Council

The Ward 8 Business Council is a strategic community partner with a strong reputation for advocating for and developing small businesses in Ward 8, within the Anacostia Waterfront Development Zone. Partnership provides information for small businesses interested in highway and road construction opportunities. They partner with the DBE/SS to coordinate outreach to increase the number of certified DBEs. Share information on training and networking opportunities.

Washington Area Community Investment Fund

The Washington Area Community Investment Fund (WACIF) serves the small business community in the District of Columbia. WACIF provides technical assistance as well as micro-loans to the small business community.

The Washington Network of Small Business Development Centers

Under the auspices of the Howard University School of Business, this strategic partnership will provide DBEs with SBA-sponsored resources.

SCORE Business Counselors for Small Businesses

A resource partner of the SBA, SCORE utilizes a cadre of volunteers of retired business executives who offer free business counseling and access to free or low cost entrepreneurial workshops designed to assist the growth of small businesses.

THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Transportation



GOAL SETTING METHODOLOGY

GOAL SETTING METHODS

In accordance to February 2010 US Department of Transportation rule amendments to 49 CFR Section 25.45, the **District Department of Transportation (DDOT)** has established its FY 2012-2014 DBE goal of 11.5% (Race Conscious = 10%, Race-Gender Neutral = 1.5%) on Federal Transit Authority (FTA) funded projects effective for a period of three (3) years: FY 2012-2014.

The following describes the goal methodology used to determine this three-year goal:

Step 1 - Determination of Relative Availability of DBEs Contractors

As specified in Section 26.45(c) of the DBE Regulations, the method used to calculate the relative availability of DBEs (“base figure”) for Step 1 of the goal setting process is a percentage figure calculated by dividing a number representing available DBEs by a number representing all available firms.

In order to determine this number, DDOT utilized several sources of available data for calculating a base figure:

- DDOT’s and the Washington Metropolitan Transit Authority’s DBE electronic Directories. These directories comprise of all local area engineering and highway related construction firms, suppliers, consultants, etc. certified by the US Department of Transportation approved **Unified Certification Program (UCP)** between the **DDOT** and the **Washington Metropolitan Area Transit Authority (WMATA)**.
- The Census Bureau 2010 Country Business Pattern for the geographical area of Washington-Arlington, Alexandria, DC-MD-VA-WV Metropolitan Statistical Area. (<http://censtats.census.gov/cgi-bin/msanaic/msadetl.pl>)

To ensure a true and accurate goal is selected based on the amount and scope, calculations used will be based on the percentage of work anticipated by each of the major business groups listed. The anticipated work and percentage distribution best reflects the type of work by North American Industry Classification System (NAICS) codes that would typically be performed DDOT’s federal aid contracts. The lists were sorted using NAICS codes and compared in order to avoid double counting.

According to the U.S. Census Bureau, NAICS Codes is the standard used Federal statistical agencies for the purpose of collecting, analyzing and publishing statistical data related to the U.S. business economy. As such, businesses are classified according to the primary line of business

activity. Therefore, DDOT has determined the overall number of active contractors available for projects planned in FY 2012-2014 from the following NAICS Codes:

Design and Engineering (Consultants) NAICS

NAICS CODE	NAIC DESCRIPTION
541330	Engineering Services
541618	Other Management Consulting Services
541620	Environmental Consulting Services

Highway Construction (Contractors) NAICS

NAICS CODE	NAICS DESCRIPTION
237310	Heavy Highway, Bridge & Civil Engineering

2. Calculation of Base Number and Actual Anticipated Work

A comparison of all the lists, eliminating all duplicates, yielded a total of approximately 2,383 firms “ready, willing, and able” to perform on DDOT contracts. The base numbers are then calculated to reflect the percentage of estimated project cost to be completed by the DBE firms. Of the 2,393 available firms, 258 (11%) are DBE certified, ready, willing and able.

$$\text{Calculation: } \frac{\text{Total number of DBE Firms}}{\text{Total number of Firms}} = \frac{258}{2383} = 0.1082 \times 100 = 10.82 \quad \text{or } 11\%$$

In order to determine the specific contracting opportunities for FY 2012-2014, the DDOT reviewed the Transportation Improvement Program (TIP) for FY 2013-2013 Transit-related projects and the FTA Planned Funding from the DDOT Progressive Transportation Services Administration (PTSA) Mass Transit Division. The report is as follows:

Type of Project	Description	Amount
Construction	East-West Transitway	\$10,000,000.00
EA & Sec 106	DC Streetcar M Street Ext NEPA	\$1,500,000.00
EA & Sec 106	Union Station to Gtown Waterfront NEPA	\$1,397,900.00
EA & Sec 106	DC Streetcar Benning RD Ext NEPA	\$1,200,000.00
EA & Sec 106	Historic Anacostia Streetcar NEPA	\$577,000.00
Planning	DCAlt Anlys-Union Stn-GrgetwnWaterfrnt	\$1,000,000.00
Planning	Metropolitan & Statewide Planning	\$3,626,448.00
	Total FTA Assisted Projects	\$19,301,348.00

These dollars are to be utilized for highway, bridge, street planning and construction.

A further analysis revealed that out of a three (3) year total federal aid spending of \$19,301,348.00, it is anticipated that during FY 2012-14, DDOT will spend \$9,301,348.00 or approximately 48% of its FTA federal-assisted funds on NEPA Studies and planning related contracts and \$10,000,000 or approximately 52% of its FTA assisted funds for highway and construction-related activities.

HIGHWAY AND STREET CONSTRUCTION

NAICS CODE	DDOT DBE FIRMS	METRO AREA TOTAL FIRMS
237310	20	157

DESIGN AND PROFESSIONAL SERVICES

NAICS CODE	DDOT DBE FIRMS	METRO AREA TOTAL FIRMS
541330	122	1,785
541618	72	184
541620	34	267
Totals	228	2236

In calculating the base figure, DDOT used the methodology as prescribed in the U.S. Transportation Office of Small and Disadvantaged Utilization (OSDBU) website, *Tips for Goal Setting in the Disadvantaged Enterprise (DBE) Program* (<http://osdbu.dot.gov/DBEProgram/tips.cfm>) :

$.9[\text{Number of DBE Highway \& Street Construction}] + .1[\text{Number of DBE Design \& Professional Svcs.}]$
 $[\text{Number all Highway \& Street Construction Firms}] \quad [\text{Number of All Design \& Professional Svcs.}]$

$$.5[20] + .5[228]$$

$$[157] \quad [2236] = .5[.127] + .5[.10]$$

$$= .063 + .05 = .0113 \times 100 = 11.3$$

Thus, the base figure is 11.3%.

This calculation allots funds according to the percentage of work each type of business would perform in the execution of upcoming projects involving, design, consulting and construction.

Weighted Calculation of the Step 1 Base Figure:

To ensure the accuracy of the Step 1 Base Figure, the base figure was weighted and calculated using the percent of the total contract dollars for each anticipated contract as demonstrated in Table 2:

Table 2.

NAICS Code	Project	Amount of DOT funds on project:	% of total DOT funds (weight)
237310	East-West Transitway	5,000,000.00	0.6835
541620	DC Streetcar M Street Ext NEPA	500,000.00	0.0683
541330	Union Station to Gtown Waterfront NEPA	300,000.00	0.0410
541330	DC Streetcar Benning RD Ext NEPA	200,000.00	0.0273
541330	DCAIt Anlys-Union Stn-GrgetwnWaterfrnt	108,000.00	0.0148
541620	Historic Anacostia Streetcar NEPA	577,000.00	0.0789
541618	Metropolitan & Statewide Planning	630,289.00	0.0862
Total FTA-Assisted Contract Funds		\$7,315,289.00	1

The next step in calculating the weighted base figure is to determined the relative availability of DBEs for each contract as detailed in Table 3 below:

NAICS Code	Project	Number of DBEs available to perform this work	Number of all firms available (including DBEs)	Relative Availability
237310	East-West Transitway	20	157	0.1274
541620	DC Streetcar M Street Ext NEPA	34	267	0.1273
541330	Union Station to Gtown Waterfront NEPA	122	1785	0.0683
541330	DC Streetcar Benning RD Ext NEPA	122	1785	0.0683
541330	DCAIt Anlys-Union Stn-GrgetwnWaterfrnt	122	1785	0.0683
541620	Historic Anacostia Streetcar NEPA	122	1785	0.0683
541618	Metropolitan & Statewide Planning	17	184	0.0924

Combined Totals	559	7748	0.0721	<i>Overall availability of DBEs</i>
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Utilizing the re Using the results from the tables 2 and 3 above, the results are calculated to determine the weighted based figure as shown in Table 4 below:

Table 4.

NAICS Code	Project	Weight	x	Availability	Weighted Base Figure
237310	East-West Transitway	0.68350	x	0.12739	0.0871
541620	DC Streetcar M Street Ext NEPA	0.06835	x	0.12734	0.0087
541330	Union Station to Gtown Waterfront NEPA	0.04101	x	0.06835	0.0028
541330	DC Streetcar Benning RD Ext NEPA	0.02734	x	0.06835	0.0019
541330	DCAlt Anlys-Union Stn-Grgetwn Waterfrnt	0.01476	x	0.06835	0.0010
541620	Historic Anacostia Streetcar NEPA	0.07888	x	0.06835	0.0054
541618	Metropolitan & Statewide Planning	0.08616	x	0.09239	0.0080
Total					0.1148
Expressed as a % (*100)					11.48%
Rounded, Weighted Base Figure:					11.5%

Therefore, the rounded weighted based figure is 11.5%

Step 2 – Adjustment to Base Figure

Step 2 of the goal setting calculations process involves consideration of adjustments to the percentage of availability (base figure) obtained in Step I in comparison with the value of Average Past Performance. The idea is to determine a reasonable level of DBE participation that can be achieved absent discriminatory practices.

1. Consideration of Previous Years' Performance

2. Adjusting the Step 1 Base Figure with the Median Past Performance

Due to the lack of DBE Goals assigned to the past four years of history therefore, DDOT cannot calculate a median percentage. 49 CFR Section 26.45(d) and the goal setting and methodology guidelines set forth on the Office of Small and Disadvantaged Business Utilization's (OSDBU) website states:

- Adjustment for past participation is not required if you are developing a DBE program for the first time and do not have any statistics on past DBE participation.

While we may consider making adjustments to the base figure, we are not required to make such an adjustment, as we are developing a DBE Program for FTA0-assisted projects for the first time. Therefore, DDOT DBE Goal for FY 2012 - 2014 is **11.5%**.

3. Adjusting the Goal in Consideration of Current Market Dynamics

DISPARITY STUDY

The OSDBU's *Tips for Goal Setting in the Disadvantaged Business Enterprise Program's* website, suggest that data should be collected and analyzed to consider the current market dynamics as a means to determine whether or not an adjustment to the goal is necessary. One suggested method is to analyze the results of a disparity study. The DDOT has not conducted a disparity study. Therefore, we do not have sufficient quantitative data to support an adjustment.

PUBLIC PARTICIPATION

Consistent with the requirements of 49 CFR Part 26, DDOT will aggressively seek input of the business community in the design and implementation of its DBE Program, including receiving comments regarding the effectiveness of its established annual goals and the appropriate methodology for setting its annual overall goal.

RACE/GENDER-NEUTRAL AND RACE/GENDER-CONSCIOUS MEASURES

The DDOT will meet the maximum feasible portion of its overall goal using Race/Gender-Neutral (R/G-N) means. The OSDBU website provides guidance as to how DOT recipients capture data and calculate the race/gender-neutral portion of the overall DBE goal. It states, "If you have instituted new and comprehensive mechanisms aimed at obtaining additional DBE participation through race/gender-neutral means, these efforts might provide the basis for estimating a greater level of race/gender-neutral participation for the upcoming year." Since this is a new DBE program for FTA-assisted programs, the following considerations were explored and analyzed:

- A. Consideration of the Amount by Which DDOT Exceeded Past Years Goals.
RESPONSE: Since the agency has only one (1) FTA-funded project with a DBE goal in accordance with 49 CFR Part 26, there is not sufficient history to consider this option.
- B. Consider Past Participation by DBE Prime Contractors.
RESPONSE: Since this is a new FTA DBE program, there is no sufficient data to consider this option.
- C. Consider Past Participation by DBE Subcontractors on Contracts Without Goals.
RESPONSE: Since this is a new FTA DBE program, there is no sufficient data to support this option.
- D. Consider MBE/WBE/DBE Participation Pursuant to Race/Gender-Neutral State or Local Programs.
RESPONSE: DDOT does not have sufficient data for consideration.
- E. Consider Concrete Plans to Implement New Race-Neutral Methods.

RESPONSE: DDOT has a newly-approved small business program, in accordance with 49 CFR Part 26. This program, along with our existing DBE Supportive Services Program, these efforts might provide the basis for an estimated 1.5% race/gender-neutral participation for FY 2012-2014. DDOT through its DBE Supportive Services Program will employ the following race/neutral strategies:

1. Distribution of bi-weekly procurement and small business development training opportunities;
2. Networking Events for small businesses to meet prime contractors;
3. Bi-monthly DDOT 101 For small businesses who are interested in doing business with the agency;
4. Small business development workshops such as marketing, bond financing, estimating and other business opportunity workshops.
5. Implementation of a Mentor-protégé program.

DDOT recommends that the Race/Gender-Neutral measures shall be maintained and monitored in accordance to the DDOT Small Business Program.

DDOT believes that the use of both Race/Gender-Neutral and Race/Gender-Conscious measures are necessary in order to achieve fair/equitable contracting and recommends a three year (2012-2014) DBE Goal to be adjusted to **10%** using Race/Gender-Conscious and **1.5%** using Race/Gender-Neutral measures.

As a result, DDOT anticipates meeting the FY 2012-2014 Overall Annual DBE Goal of **11.5%: 10%** Race-Conscious participation and **1.5%** Race-Neutral participation.

SMALL BUSINESS CAPACITY BUILDING ACTIVITIES

The DDOT will continue its efforts to assess its business capacities through on-going outreach and small business development.

SURVEYS FOR DBE FIRMS AND PRIME CONTRACTORS

In FY 2010, The DBE Supportive Services Program developed two surveys: One each for DBE firms and prime contractors. This much-anticipated project was necessary in order for the DDOT to ascertain the needs of the DBE community and to evaluate the persistent barriers to participate in DDOT's highway and road construction projects.

DBE SUMMIT

During FY 2011 and FY 2012, DDOT hosted an annual networking event (DBE Summit) to discuss procurement opportunities and provide networking opportunities with the Agency's prime construction contractors and A/E project managers. Both events attracted over 200 participants from across the Washington Metropolitan region. DDOT has decided to continue to host this event annually. We have listened to the small business community, and they expect to build more partnerships with prime contractors.

2012-2014 DBE GOAL COMMUNITY COMMENTS

DDOT held a public meeting on July 2, 2013 to receive comments specifically about the establishment of its FY 2012-2014 DBE Goal. In accordance with 49 CFR Part 26.45(g)(1) and (2), the meeting notice was published on DDOT's website and in the following publications:

- Afro-American Newspaper
- Kaggwa Communications/The District Chronicle
- The Washington Hispanic
- The Washington Informer
- The Washington Times

The document will be available for public review and comments during our normal business hours. DDOT will also accept comments on the goals for 45 days from the date of the notice.

OUTREACH

DDOT will continue its efforts throughout the Washington Metropolitan Area to recruit DBEs and other small business concerns, focusing on agencies performing similar transportation-related contracting, i.e., the Departments of Transportation for Maryland and Virginia, Washington Airports Authority, and WMATA.

NETWORKING

DDOT will continue to host networking sessions linking prime contractors with subcontractors in an effort to facilitate communications and awareness regarding the capabilities of DBE certified firms and other small business concerns to enhance joint partnership opportunities.

SUPPORTIVE SERVICES

DDOT will continue its initiatives to provide support services to its certified DBEs. DDOT will continue conducting targeted assessments of the capabilities of its certified DBEs, and other small business concerns by identifying and providing technical assistance and training necessary to assist with their growth and development objective. DDOT established a centralized Business Opportunities and Workforce Development Center (BOWDC) where the small business community receives assistance in the area of bond readiness, financial planning, bidding and estimating, etc. Eligible construction-related small businesses will also be able to access the BOWDC during regular business hours to obtain information on bid/subcontracting opportunities, utilize computer terminals to access information regarding procurement opportunities, developing business plans, and accounting and bidding software.

DBE NEWSLETTER AND OTHER ON-LINE PUBLICATIONS

The DBE Supportive Services Program through the BOWDC publishes a quarterly newsletter, The DBE Insider. Although the target audience is the DBE community, the information is applicable to all small businesses regarding information on current DDOT projects, both locally and federally funded procurement opportunities.

EXPANSION OF SMALL BUSINESS DEVELOPMENT TECHNICAL ASSISTANCE AND RESOURCES

Partnership with DBE Financial Institutions

In accordance with 49 CFR Part 26.27, DDOT welcomed the Industrial Bank of Washington (IBW) to the Short Term Lending Program team. IBW is the oldest and largest African American commercial bank in the metropolitan Washington region. IBW has several branches in the District of Columbia and in Prince George's County, Maryland. The DBE/SS Program through its BOWDC will partner with IBW in the new fiscal year on several small business financial education workshops.

Webinar: Doing Business with DDOT

During FY 2012, the Agency embarked on a series of webinars entitled, "Doing Business with DDOT." This webinar series includes: DDOT 101 How to Do Business with DDOT, Contract Basics, How to Write a Winning Proposal and other offerings that will be provided during the remainder of FY 2012. It is the Agency's goal to provide recurring webinars that will take into consideration new firms that enter into the Agency's market and also require the course for new and re-evaluated DBE firms. During the outset of the training season, these webinars were targeted towards DBE firms participating in the Business Assistance Program. However, the Office of Civil Rights (OCR) received positive feedback, and therefore, made the courses available to the general small business community.

Doing Business with DDOT Annual Business Forum

In September, 2010, DDOT convened its first "Doing Business with DDOT Annual Business Forum". The BOWDC Coordinator supported the efforts of DDOT's Infrastructure Project Management Administration in providing outreach and recruitment efforts to the general business community. This was DDOT's first official forecasting event that informed the DBE and prime contracting community about future federal-aid contracts for FY 2011. Over 100 firms attended the successful event.

Other Supportive Services

The BOWDC Team continues to support our DBE firms who are currently engaged on DDOT's federal-aid highway construction projects. Throughout the quarter, the team has conducted the following activities:

- Assisted prime contractors' good faith efforts for partnering with DBE firms on federal-aid projects;
- Fielded DBE concerns regarding non-payment and work scheduling matters;
- Supported new DBE firms entering our program and providing information on upcoming business opportunities with DDOT and our partner agencies in the Metropolitan Washington area;
- Assisted over 200 DBE firms with procurement information, capability statement advisement and general information about the DBE program;

- Publishing and Distribution of bi-weekly procurement announcements; and
- Attending outreach events sponsored by our partnering agencies.

ON-GOING COMMUNICATION WITH PRIME CONTRACTOR COMMUNITY

The BOWDC Coordinator published a quarterly electronic newsletter to inform the prime contracting community of the various resources available to increase their DBE subcontractors' financial capacity. The newsletter also informed the prime contractor community of the availability of the BOWDC coordinator and other OCR staff members for consultation prior to the need to substitute a DBE firm on a federal-aid project.

Prime Contractor Survey

To better determine the needs of the prime contractor community, the DBE/SS team collaborated to develop and distribute the prime contractor survey. Using Survey Monkey, an online survey instrument, the survey period ran for approximately one from March 18, 2011 and April 15, 2011. The goal was to get a snapshot of responses prior to the DBE Summit and Networking Event. Below is an excerpt from the survey.

- The DBE/SS Business Development Consultant advertised the prime contractor survey to a total of 100 prime contractors.
- Twenty-seven (27) responded to the online survey, (a response rate of approximately 30%)
- Approximately **80% of the** respondents indicated that DC was their primary place of business. **100%** of the out-of-state respondents indicated primary business operations in **Virginia, Maryland, and/or Pennsylvania.**
- The majority of respondents are **A/E firms:**
- Nearly **56%** of Prime Contractors who responded have received **1-5** DDOT federal-aid contracts. Almost **30%** of the respondents have not received any **(zero).**

Networking Opportunities with the Prime Contractor Community

During FY 2011-12 the DBE SS team in collaboration with the District Department of Small and Local Business Development (DSLBD), the BOWDC team supported the good faith efforts of our prime construction and engineering community. Notably, individual networking sessions were held for Fort Myer Construction Company and Parsons Brinckerhoff (PB) for DBE firms and other small businesses that were interested in pursuing subcontracting opportunities. FMCC is DDOT's most active federal-aid contractor that has experienced challenges with identifying locating DDOT-certified firms who have the business capacity to perform on the Agency's federal-aid construction projects. PB is also a well-respected engineering firm that conducts business with DDOT on a number of federal aid projects. Both events attracted over 40 firms who were eager to market their services to these respected firms in our community. Additional firms are scheduled for FY 2013.

TECHNICAL TRAINING

Road and Highway Construction Safety Certification and Compliance

Throughout FY 2010-12, the BOWDC sponsored several safety certification courses in collaboration with our trainer/partner The American Road and Transportation Association (ARTBA) the following courses were offered:

- 1) 30-Hour OSHA courses
- 2) 10-Hour OSHA Courses (including rollover/rollback safety)
- 3) Construction Math, Blue Print Reading and Estimating
- 4) Flagger Courses
- 5) First Aid/CPR

The American Road and Transportation Builders Association (ARTBA) conducted a Flagger Training course. In FY 2012 in partnership with ARTBA and the University of the District of Columbia Community College Workforce Development and Lifelong Learning Division (UDC-CC), a 10-hour OSHA training with rollback/rollover safety was offered to all construction-related small businesses in both English and Spanish languages. As of this date, 49 participants attended the courses or received the courses on site at their offices.

During FY 2010-12, the BOWDC in partnership with the District Department of Housing and Community Development and the U.S. Department of Labor Wage & Hour Compliance Division, sponsored annual Davis Bacon Act workshops. This workshop is opened to both primes and subcontractors who are required to submit weekly certified payroll records.

Small Business Development Activities

Low Impact Development (LID) Training for Small Business Firms

DDOT and the Community College the University of the District of Columbia (CCDC) Workforce Development Center for Lifelong Learning executed a Memorandum of Understanding (MOU) to implement the Low Impact Development (LID) Training for Small Business firms. This is another much need program that will increase opportunities for small landscaping firms.

Financial Capacity Building

During FY 2010-12 DDOT's DBE Consultants and the 11th Street Bridge DBE Project Management Team and the Mid-Atlantic Region Small Business Transportation Resource Center facilitated several Financial Capacity workshops that included construction financing options. The DBE/SS Marketing /Business Development Consultant convened a meeting with the Mid-Atlantic Region Small Business Transportation Resource Center (SBRTC) Program staff and the Short Term Lending Program (STLP) lenders to strategize how to best serve the small business community and build their financial capacity. Following that, we developed plans to team with SBRTC and regional STLP lenders to offer financial information and technical assistance sessions for DBE and other small business firms at the BOWDC.

Outreach Activities

During FY 2010-12, the DBE Supportive Services Team under the auspices of the BOWDC participated in the following procurement outreach events:

1. Exhibitor at the Annual OSDBU Procurement Fair
2. Participated as a panelist during the Congress Heights Community Leadership Development Council with the Office of Contracts and Procurement
3. Exhibitor at the Metropolitan Washington Airports Authority Annual Business Opportunity Day
4. Exhibitor at the U.S. Department of Transportation OSDBU Veterans Event
5. Exhibitor at the U.S. Department of Transportation OSDBU Networking Event

University of Maryland Transportation Technology Transfer Center

The DBE/SS Program partners with the University of Maryland Transportation Technology Transfer Center to offer advanced transportation-related training to DDOT-certified DBE firms. The DBE/SS subsidizes the cost of the training for qualified DBE firms.

Partnerships

The Agency believes the success of the DBE/ SS Program is due to the work and relationship building of the BOWDC staff and the strategic partnerships that it recruits to carry out the mission of this program. Each partner is committed to the development of the small business entrepreneur and to assisting individuals to obtain sustainable employment through the

highway construction trade industry. Each partner has offered their organizational resources in-kind or at reduced costs as their commitment to the Agency and to the program.

District Department of Transportation Infrastructure Project Management Administration

Serve as the BOWDC's fiscal partner as an integral outreach component of the Anacostia Waterfront Initiative.

District Department of Employment Services (DOES)

DOES has agreed to support this effort on a variety of programmatic levels due to its mission to assist businesses in increasing and developing their workforce capacity, encouraging entrepreneurship as an alternative employment strategy and assisting unemployed individuals to gain sustainable employment.

- Project Empowerment and the Senior Empowerment Program provide in-kind services through the recruitment and placement of individuals in the areas of administrative support.

Department of Local, Small and Disadvantaged Business Development (DSLBD)

As a founding partner, the DLSBD Office partners with the BOWDC to offer free or low cost business development courses designed for small businesses. The office has also offered their training space to host seminars as it is conveniently located in central downtown Washington, D.C.

The Office of Contracting and Procurement

Provide roundtable discussions on DDOT's procurement forecasting and other vital workshops targeted toward small business development.

Washington Metropolitan Transit Authority (WMATA)

As a partner in the Unified Certification Program, WMATA provides the DBEs with additional procurement opportunities. WMATA also is a strategic partner on various networking events and procurement conferences.

DC Chapter, National Association of Minority Contractors (NAMC)

Offers access to members who are DDOT DBE certified and also pledges to co-sponsor events targeted to the organization's membership.

The American Road and Transportation Builders Association (ARTBA)

Current contractor - provide the advanced safety certifications for our DBE firms.

University of Maryland Transportation Technology Center

Strategic Partner that provides advanced technical training courses to certified DBE firms.

Ward 8 Business Council

The Ward 8 Business Council is a strategic community partner with a strong reputation for advocating for and developing small businesses in Ward 8, within the Anacostia Waterfront Development Zone. Partnership provides information for small businesses interested in highway and road construction opportunities. They partner with the DBE/SS to coordinate outreach to increase the number of certified DBEs. Share information on training and networking opportunities.

Washington Area Community Investment Fund

The Washington Area Community Investment Fund (WACIF) serves the small business community in the District of Columbia. WACIF provides technical assistance as well as micro-loans to the small business community.

The Washington Network of Small Business Development Centers

Under the auspices of the Howard University School of Business, this strategic partnership will provide DBEs with SBA-sponsored resources.

SCORE Business Counselors for Small Businesses

A resource partner of the SBA, SCORE utilizes a cadre of volunteers of retired business executives who offer free business counseling and access to free or low cost entrepreneurial workshops designed to assist the growth of small businesses.

Attachment 7

Breakout of Estimated Race-Neutral & Race-Conscious Participation

**Section 26.51: Breakout of Estimated
Race-Neutral & Race Conscious Participation**

DDOT will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation.

We estimate that, in meeting our overall goal of 18%, we will obtain 1.5% from race-neutral participation and 10% through race-conscious measures.

The following is a summary of the basis of our estimated breakout of race-neutral and race-conscious DBE participation. The estimate was arrived in accordance with 49 CFR Part 26.45, in determining the relative availability of DBE firms within the Washington Metropolitan area, based applicable NAICS Codes. The relative availability was weighted against the percentage of the anticipated dollar amount for the anticipated scope of work. The calculations derived from these two factors resulted in the weighted base figure of 11.5% for the agency's overall triennial goal.

In order to ensure that our DBE program will be narrowly tailored to overcome the effects of discrimination, if we use contract goals we will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)) and we will track and report race-neutral and race conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry DBE goal; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

We will maintain data separately on DBE achievements in those contracts with and without contract goals, respectively.

DDOT uses the following race-neutral means to increase DBE participation:

1. Bi-monthly DDOT 101 For small businesses who are interested in doing business with the agency;
2. Small business development workshops such as marketing, bond financing, estimating and other business opportunity workshops.
3. Other activities included:

Attachment 8

Form 1 & 2 for Demonstration of Good Faith Efforts

GOOD FAITH EFFORTS

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26 and are listed below.

In accordance with 49 CFR part 26.53, bidders who are unable to document that it has obtained enough DBE participation to meet the goal, must provide documentation showing that it made adequate good faith efforts to meet the goal, even though it did not succeed.

1. Demonstrating good faith efforts means that the bidder must show that it took all necessary and reasonable steps to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not fully successful.

The following is a list of types of actions which will be considered as part of the bidder's good faith efforts to obtain DBE participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

- Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified DBEs who have the capability to perform the work of the contract. The bidder must solicit this interest within sufficient time to allow the DBEs to respond to the solicitation. The bidder must determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.
- Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own force.
- Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.
- (a) Negotiating in good faith with interested DBEs. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBEs to perform the work.

(b) A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.

2. Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal.
6. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.
7. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
8. Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, state, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.

Attachment 9
Certification Application Forms

**INSTRUCTIONS FOR COMPLETING THE DISADVANTAGED BUSINESS ENTERPRISE (DBE)
PROGRAM UNIFORM CERTIFICATION APPLICATION**

NOTE: If you require additional space for any question in this application, please attach additional sheets or copies as needed, taking care to indicate on each attached sheet/copy the section and number of this application to which it refers.

Section 1: CERTIFICATION INFORMATION

A. Prior/Other Certifications

Check the appropriate box indicating for which program your firm is currently certified. If you are already certified as a DBE, indicate in the appropriate box the name of the certifying agency that has previously certified your firm, and also indicate whether your firm has undergone an onsite visit. If your firm has already undergone an onsite visit/review, indicate the most recent date of that review and the state UCP that conducted the review.

NOTE: If your firm is currently certified under the SBA's 8(a) and/or SDB programs, you may not have to complete this application. You should contact your state UCP to find out about a streamlined application process for firms that are already certified under the 8(a) and SDB programs.

B. Prior/Other Applications and Privileges

Indicate whether your firm or any of the persons listed has ever withdrawn an application for a DBE program or an SBA 8(a) or SDB program, or whether any have ever been denied certification, decertified, debarred, suspended, or had bidding privileges denied or restricted by any state or local agency or Federal entity. If your answer is yes, indicate the date of such action, identify the name of the agency, and explain fully the nature of the action in the space provided.

Section 2: GENERAL INFORMATION

A. Contact Information

- (1) State the name and title of the person who will serve as your firm's primary contact under this application.
- (2) State the legal name of your firm, as indicated in your firm's Articles of Incorporation or charter.
- (3) State the primary phone number of your firm.
- (4) State a secondary phone number, if any.
- (5) State your firm's fax number, if any.
- (6) State your firm's or your contact person's email address.
- (7) State your firm's website address, if any.
- (8) State the street address of your firm (i.e., the physical location of its offices – not a post office box address).
- (9) State the mailing address of your firm, if it is different from your firm's street address.

B. Business Profile

- (1) In the box provided, briefly describe the primary business and professional activities in which your firm engages.
- (2) State the Federal Tax ID number of your firm as provided on your firm's filed tax returns, if you have one. This could also be the Social Security number of the owner of your firm.
- (3) State the date on which your firm was officially established, as stated in your firm's Articles of Incorporation or charter.

- (4) State the date on which you and/or each other owner took ownership of the firm.
- (5) Check the appropriate box that describes the manner in which you and each other owner acquired ownership of your firm. If you checked "Other," explain in the space provided.
- (6) Check the appropriate box that indicates whether your firm is "for profit."
NOTE: If you checked "No," then you do NOT qualify for the DBE program and therefore do not need to complete the rest of this application. The DBE program requires all participating firms be for-profit enterprises.
- (7) Check the appropriate box that describes the legal form of ownership of your firm, as indicated in your firm's Articles of Incorporation or charter. If you checked "Other," briefly explain in the space provided.
- (8) Check the appropriate box that indicates whether your firm has ever existed under different ownership, a different type of ownership, or a different name. If you checked "Yes," specify which and briefly explain the circumstances in the space provided.
- (9) Indicate in the spaces provided how many employees your firm has, specifying the number of employees who work on a full-time and part-time basis.
- (10) Specify the total gross receipts of your firm for each of the past three years, as declared in your firm's filed tax returns.

C. Relationships with Other Businesses

- (1) Check the appropriate box that indicates whether your firm is co-located at any of its business locations, or whether your firm shares a telephone number(s), a post office box, any office space, a yard, warehouse, other facilities, any equipment, or any office staff with any other business, organization, or entity of any kind. If you answered "Yes," then specify the name of the other firm(s) and briefly explain the nature of the shared facilities or other items in the space provided.
- (2) Check the appropriate box that indicates whether at present, or at any time in the past:
 - (a) Your firm has been a subsidiary of any other firm;
 - (b) Your firm consisted of a partnership in which one or more of the partners are other firms;
 - (c) Your firm has owned any percentage of any other firm; and
 - (d) Your firm has had any subsidiaries of its own.
- (3) Check the appropriate box that indicates whether any other firm has ever had an ownership interest in your firm.

- (4) If you answered "Yes" to any of the questions in (2)(a)-(d) or (3), identify the name, address and type of business for each.

D. Immediate Family Member Businesses

Check the appropriate box that indicates whether any of your immediate family members own or manage another company. An "immediate family member" is any person who is your father, mother, husband, wife, son, daughter, brother, sister, grandmother, grandfather, grandson, granddaughter, mother-in-law, or father-in-law. If you answered "Yes," provide the name of each relative, your relationship to them, the name of the company they own or manage, the type of business, and whether they own or manage the company.

Section 3: OWNERSHIP

Identify all individuals or holding companies with any ownership interest in your firm, providing the information requested below (if your firm has more than one owner, provide completed copies of this section for each additional owner):

A. Background Information

- (1) Give the name of the owner.
- (2) State his/her title or position within your firm.
- (3) Give his/her home phone number.
- (4) State his/her home (street) address.
- (5) Check the appropriate box that indicates this owner's gender.
- (6) Check the appropriate box that indicates this owner's ethnicity (check all that apply). If you checked "Other," specify this owner's ethnic group/identity not otherwise listed.
- (7) Check the appropriate box to indicate whether this owner is a U.S. citizen.
- (8) If this owner is not a U.S. citizen, check the appropriate box that indicates whether this owner is a lawfully admitted permanent resident. If this owner is neither a U.S. citizen nor a lawfully admitted permanent resident of the U.S., then this owner is NOT eligible for certification as a DBE owner. This, however, does not necessarily disqualify your firm altogether from the DBE program if another owner is a U.S. citizen or lawfully admitted permanent resident and meets the program's other qualifying requirements.

B. Ownership Interest

- (1) State the number of years during which this owner has been an owner of your firm.
- (2) Indicate the dollar value of this owner's initial investment to acquire an ownership interest in your firm, broken down by cash, real estate, equipment, and/or other investment.
- (3) State the percentage of total ownership control of your firm that this owner possesses.
- (4) State the familial relationship of this owner to each other owner of your firm.
- (5) Indicate the number, percentage of the total, class, date acquired, and method by which this owner acquired his/her shares of stock in your firm.

- (6) Check the appropriate box that indicates whether this owner performs a management or supervisory function for any other business. If you checked "Yes," state the name of the other business and this owner's function or title held in that business.

- (7) Check the appropriate box that indicates whether this owner owns or works for any other firm(s) that has any relationship with your firm. If you checked "Yes," identify the name of the other business and this owner's function or title held in that business. Briefly describe the nature of the business relationship in the space provided.

C. Disadvantaged Status

NOTE: You only need to complete this section for each owner that is applying for DBE qualification (i.e., for each owner who is claiming to be "socially and economically disadvantaged" and whose ownership interest is to be counted toward the control and 51% ownership requirements of the DBE program)

- (1) Indicate in the space provided the total Personal Net Worth (PNW) of each owner who is applying for DBE qualification. Use the PNW calculator form at the end of this application to compute each owner's PNW.
- (2) Check the appropriate box that indicates whether any trust has ever been created for the benefit of this disadvantaged owner. If you answered "Yes," briefly explain the nature, history, purpose, and current value of the trust(s).

Section 4: CONTROL

A. Identify your firm's Officers and Board of Directors:

- (1) In the space provided, state the name, title, date of appointment, ethnicity, and gender of each officer of your firm.
- (2) In the space provided, state the name, title, date of appointment, ethnicity, and gender of each individual serving on your firm's Board of Directors.
- (3) Check the appropriate box that indicates whether any of your firm's officers and/or directors listed above perform a management or supervisory function for any other business. If you answered "Yes," identify each person by name, his/her title, the name of the other business in which s/he is involved, and his/her function performed in that other business.
- (4) Check the appropriate box that indicates whether any of your firm's officers and/or directors listed above own or work for any other firm(s) that has a relationship with your firm. If you answered "Yes," identify the name of the firm, the officer or director, and the nature of his/her business relationship with that other firm.

B. Identify your firm's management personnel (by name, title, ethnicity, and gender) who control your firm in the following areas:

- (1) Making financial decisions on your firm's behalf, including the acquisition of lines of credit, surety bonds, supplies, etc.;
 - (2) Estimating and bidding, including calculation of cost estimates, bid preparation and submission;
 - (3) Negotiating and contract execution, including participation in any of your firm's negotiations and executing contracts on your firm's behalf;
 - (4) Hiring and/or firing of management personnel, including interviewing and conducting performance evaluations;
 - (5) Field/Production operations supervision, including site supervision, scheduling, project management services, etc.;
 - (6) Office management;
 - (7) Marketing and sales;
 - (8) Purchasing of major equipment;
 - (9) Signing company checks (for any purpose); and
 - (10) Conducting any other financial transactions on your firm's behalf not otherwise listed.
 - (11) Check the appropriate box that indicates whether any of the persons listed in (1) through (10) above perform a management or supervisory function for any other business. If you answered "Yes," identify each person by name, his/her title, the name of the other business in which s/he is involved, and his/her function performed in that other business.
 - (12) Check the appropriate box that indicates whether any of the persons listed in (1) through (10) above own or work for any other firm(s) that has a relationship with your firm. If you answered "Yes," identify the name of the firm, the name of the person, and the nature of his/her business relationship with that other firm.
- C. Indicate your firm's inventory in the following categories:**
- (1) **Equipment**
State the type, make and model, and current dollar value of each piece of equipment held and/or used by your firm. Indicate whether each piece is either owned or leased by your firm.
 - (2) **Vehicles**
State the type, make and model, and current dollar value of each motor vehicle held and/or used by your firm. Indicate whether each vehicle is either owned or leased by your firm.
 - (3) **Office Space**
State the street address of each office space held and/or used by your firm. Indicate whether your firm owns or leases the office space and the current dollar value of that property or its lease.
 - (4) **Storage Space**
State the street address of each storage space held and/or used by your firm. Indicate whether your firm owns or leases the storage space and the current dollar value of that property or its lease.
- D. Does your firm rely on any other firm for management functions or employee payroll?**
Check the appropriate box that indicates whether your firm relies on any other firm for management functions or for employee payroll. If you answered "Yes," briefly explain the nature of that reliance and the extent to which the other firm carries out such functions.
- E. Financial Information**
- (1) **Banking Information**
 - (a) State the name of your firm's bank.
 - (b) State the main phone number of your firm's bank branch.
 - (c) State the address of your firm's bank branch.
 - (2) **Bonding Information**
 - (a) State your firm's Binder Number.
 - (b) State the name of your firm's bond agent and/or broker.
 - (c) State your agent's/broker's phone number.
 - (d) State your agent's/broker's address.
 - (e) State your firm's bonding limits (in dollars), specifying both the Aggregate and Project Limits.
- F. Identify all sources, amounts, and purposes of money loaned to your firm, including the names of persons or firms securing the loan, if other than the listed owner:**
State the name and address of each source, the name of the person securing the loan, the original dollar amount and the current balance of each loan, and the purpose for which each loan was made to your firm.
- G. List all contributions or transfers of assets to/from your firm and to/from any of its owners over the past two years:**
Indicate in the spaces provided, the type of contribution or asset that was transferred, its current dollar value, the person or firm from whom it was transferred, the person or firm to whom it was transferred, the relationship between the two persons and/or firms, and the date of the transfer.
- H. List current licenses/permits held by any owner or employee of your firm.**
List the name of each person in your firm who holds a professional license or permit, the type of license or permit, the expiration date of the permit or license, and the license/permit number and issuing State of the license or permit.
- I. List the three largest contracts completed by your firm in the past three years, if any.**
List the name of each owner or contractor for each contract, the name and location of the projects under each contract, the type of work performed on each contract, and the dollar value of each contract.
- J. List the three largest active jobs on which your firm is currently working.**
For each active job listed, state the name of the prime contractor and the project number, the location, the type of work performed, the project start date, the anticipated completion date, and the dollar value of the contract.
- AFFIDAVIT & SIGNATURE**
Carefully read the attached affidavit in its entirety. Fill in the required information for each blank space, and sign and date the affidavit in the presence of a Notary Public, who must then notarize the form.

**DISADVANTAGED BUSINESS ENTERPRISE PROGRAM
49 C.F.R. PART 26**

UNIFORM CERTIFICATION APPLICATION

ROADMAP FOR APPLICANTS

①

Should I apply?

- Is your firm at least 51%-owned by a socially and economically disadvantaged individual(s) who also controls the firm?
- Is the disadvantaged owner a U.S. citizen or lawfully admitted permanent resident of the U.S.?
- Is your firm a small business that meets the Small Business Administration's (SBA's) size standard and does not exceed \$17.42 million in gross annual receipts?
- Is your firm organized as a for-profit business?

⇒ If you answered "Yes" to all of the questions above, you may be eligible to participate in the U.S. DOT DBE program.

②

Is there an easier way to apply?

If you are currently certified by the SBA as an 8(a) and/or SDB firm, you may be eligible for a streamlined certification application process. Under this process, the certifying agency to which you are applying will accept your current SBA application package in lieu of requiring you to fill out and submit this form.

NOTE: You must still meet the requirements for the DBE program, including undergoing an on-site review.

③

Be sure to attach all of the required documents listed in the Documents Check List at the end of this form with your completed application.

④

Where can I find more information?

- U.S. DOT – <http://osdbuweb.dot.gov/business/dbe/index.html> (this site provides useful links to the rules and regulations governing the DBE program, questions and answers, and other pertinent information)
- SBA – <http://www.ntis.gov/naics> (provides a listing of NAICS codes) and <http://www.sba.gov/size/index/tableofsize.html> (provides a listing of NAICS codes)
- 49 CFR Part 26 (the rules and regulations governing the DBE program)

Under Sec. 26.107 of 49 CFR Part 26, dated February 2, 1999, if at any time, the Department or a recipient has reason to believe that any person or firm has willfully and knowingly provided incorrect information or made false statements, the Department may initiate suspension or debarment proceedings against the person or firm under 49 CFR Part 29, Governmentwide Debarment and Suspension (nonprocurement) and Governmentwide Requirements for Drug-free Workplace (grants), take enforcement action under 49 CFR Part 31, Program Fraud and Civil Remedies, and/or refer the matter to the Department of Justice for criminal prosecution under 18 U.S.C. 1001, which prohibits false statements in Federal programs.

Section 1: CERTIFICATION INFORMATION

A. Prior/Other Certifications

Is your firm currently certified for any of the following programs? (If Yes, check appropriate box(es))	<input type="checkbox"/> DBE	Name of certifying agency:
		Has your firm's state UCP conducted an on-site visit?
		<input type="checkbox"/> Yes, on ___ / ___ / ___ State: _____ <input type="checkbox"/> No
	<input type="checkbox"/> 8(a)	ⓧ STOP! If you checked either the 8(a) or SDB box, you <u>may not</u> have to complete this application. Ask your state UCP about the streamlined application process under the SBA-DOT MOU.
<input type="checkbox"/> SDB		

B. Prior/Other Applications and Privileges

Has your firm (under any name) or any of its owners, Board of Directors, officers or management personnel, ever withdrawn an application for any of the programs listed above, or ever been denied certification, decertified, or debarred or suspended or otherwise had bidding privileges denied or restricted by any state or local agency, or Federal entity?

Yes, on ___ / ___ / ___ No

If Yes, identify State and name of state, local, or Federal agency and explain the nature of the action:

Section 2: GENERAL INFORMATION

A. Contact Information

(1) Contact person and Title:		(2) Legal name of firm:			
(3) Phone #:	(4) Other Phone #:		(5) Fax #:		
(6) E-mail:		(7) Website (if have one):			
(8) Street address of firm (No P.O. Box):		City:	County/Parish:	State:	Zip:
(9) Mailing address of firm (if different):		City:	County/Parish:	State:	Zip:

B. Business Profile

(1) Describe the primary activities of your firm:		(2) Federal Tax ID (if any):
(3) This firm was established on ___ / ___ / ___		(4) I/We have owned this firm since: ___ / ___ / ___
(5) Method of acquisition (check all that apply):		
<input type="checkbox"/> Started new business <input type="checkbox"/> Bought existing business <input type="checkbox"/> Inherited business <input type="checkbox"/> Secured concession <input type="checkbox"/> Merger or consolidation <input type="checkbox"/> Other (explain)		
(6) Is your firm "for profit"? <input type="checkbox"/> Yes <input type="checkbox"/> No		ⓧ STOP! If your firm is NOT for-profit, then you do NOT qualify for this program and do NOT need to fill out this application.

(7) Type of firm (check all that apply):

- Sole Proprietorship
- Partnership
- Corporation
- Limited Liability Partnership
- Limited Liability Corporation
- Joint Venture
- Other, Describe: _____

(8) Has your firm ever existed under different ownership, a different type of ownership, or a different name?
 Yes No
 If Yes, explain: _____

(9) Number of employees: Full-time _____ Part-time _____ Total _____

(10) Specify the gross receipts of the firm for the last 3 years: Year _____ Total receipts \$ _____
 Year _____ Total receipts \$ _____
 Year _____ Total receipts \$ _____

C. Relationships with Other Businesses

(1) Is your firm co-located at any of its business locations, or does it share a telephone number, P.O. Box, office space, yard, warehouse, facilities, equipment, or office staff, with any other business, organization, or entity?
 Yes No

If Yes, identify: Other Firm's name: _____
 Explain nature of shared facilities: _____

(2) At present, or at any time in the past, has your firm:	(a) been a subsidiary of any other firm?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	(b) consisted of a partnership in which one or more of the partners are other firms?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	(c) owned any percentage of any other firm?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	(d) had any subsidiaries?	<input type="checkbox"/> Yes <input type="checkbox"/> No

(3) Has any other firm had an ownership interest in your firm at present or at any time in the past? Yes No

(4) If you answered "Yes" to any of the questions in (2)(a)-(d) and/or (3), identify the following for each (attach extra sheets, if needed):

	<u>Name</u>	<u>Address</u>	<u>Type of Business</u>
1.			
2.			
3.			

D. Immediate Family Member Businesses

Do any of your immediate family members own or manage another company? Yes No

If Yes, then list (attach extra sheets, if needed):

	<u>Name</u>	<u>Relationship</u>	<u>Company</u>	<u>Type of Business</u>	<u>Own or Manage?</u>
1.					
2.					

Section 3: OWNERSHIP

Identify all individuals or holding companies with any ownership interest in your firm, providing the information requested below (If more than one owner, attach separate sheets for each additional owner):

A. Background Information

(1) Name:	(2) Title:	(3) Home Phone #:		
(4) Home Address (street and number):		City:	State:	Zip:
(5) Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	(6) Ethnic group membership (Check all that apply):			
(7) U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Black	<input type="checkbox"/> Hispanic	<input type="checkbox"/> Native American	
(8) Lawfully Admitted Permanent Resident: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Asian Pacific	<input type="checkbox"/> Subcontinent Asian		
	<input type="checkbox"/> Other (specify) _____			

B. Ownership Interest

(1) Number of years as owner:	(2) Initial investment to acquire ownership interest in firm:	<u>Type</u>	<u>Dollar Value</u>
(3) Percentage owned:		Cash	\$
(4) Familial relationship to other owners:		Real Estate	\$
		Equipment	\$
		Other	\$
(5) Shares of Stock:	<u>Number</u>	<u>Percentage</u>	<u>Class</u>
			<u>Date acquired</u>
			<u>Method Acquired</u>
(6) Does this owner perform a management or supervisory function for any other business? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If Yes, identify: Name of Business:		Function/Title:	
(7) Does this owner own or work for any other firm(s) that has a relationship with this firm (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If Yes, identify: Name of Business:		Function/Title:	
Nature of Business Relationship:			

C. Disadvantaged Status – NOTE: Complete this section only for each owner applying for DBE qualification (i.e., for each owner claiming to be socially and economically disadvantaged)

(1) What is the Personal Net Worth (PNW) of the owner(s) applying for DBE qualification? (Use and attach the Personal Net Worth calculator form at the end of this application; attach additional sheets if more than one owner is applying)
(2) Has any trust been created for the benefit of this disadvantaged owner(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain (attach additional sheets if needed):

Section 4: CONTROL

A. Identify your firm's Officers & Board of Directors (If additional space is required, attach a separate sheet):

	Name	Title	Date Appointed	Ethnicity	Gender
(1) Officers of the Company	(a)				
	(b)				
	(c)				
	(d)				
	(e)				
(2) Board of Directors	(a)				
	(b)				
	(c)				
	(d)				
	(e)				

(3) Do any of the persons listed in (1) and/or (2) above perform a management or supervisory function for any other business? Yes No

If Yes, identify for each: Person: _____ Title: _____
 Business: _____ Function: _____

(4) Do any of the persons listed (1) and/or (2) above own or work for any other firm(s) that has a relationship with this firm (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)? Yes No

If Yes, identify for each: Firm Name: _____ Person: _____
 Nature of Business Relationship: _____

B. Identify your firm's management personnel who control your firm in the following areas (If more than two persons, attach a separate sheet):

	Name	Title	Ethnicity	Gender
(1) Financial Decisions (responsibility for acquisition of lines of credit, surety bonding, supplies, etc.)	a.			
	b.			
(2) Estimating and bidding	a.			
	b.			
(3) Negotiating and Contract Execution	a.			
	b.			
(4) Hiring/firing of management personnel	a.			
	b.			
(5) Field/Production Operations Supervisor	a.			
	b.			
(6) Office management	a.			
	b.			
(7) Marketing/Sales	a.			
	b.			
(8) Purchasing of major equipment	a.			
	b.			
(9) Authorized to Sign Company Checks (for any purpose)	a.			
	b.			
(10) Authorized to make Financial Transactions	a.			
	b.			

(11) Do any of the persons listed in (1) through (10) above perform a management or supervisory function for any other business? Yes No
 If Yes, identify for each: Person: _____ Title: _____
 Business: _____ Function: _____

(12) Do any of the persons listed in (1) through (10) above own or work for any other firm(s) that has a relationship with this firm (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)?
 Yes No

If Yes, identify for each: Firm Name: _____ Person: _____
 Nature of Business Relationship: _____

C. Indicate your firm's inventory in the following categories (attach additional sheets if needed):

(1) Equipment

Type of Equipment	Make/Model	Current Value	Owned or Leased?
(a)			
(b)			
(c)			

(2) Vehicles

Type of Vehicle	Make/Model	Current Value	Owned or Leased?
(a)			
(b)			
(c)			

(3) Office Space

Street Address	Owned or Leased?	Current Value of Property or Lease
(a)		
(b)		

(4) Storage Space

Street Address	Owned or Leased?	Current Value of Property or Lease
(a)		
(b)		

D. Does your firm rely on any other firm for management functions or employee payroll? Yes No

If Yes, explain:

E. Financial Information

(1) Banking Information:

(a) Name of bank: _____ (b) Phone No: () _____
 (c) Address of bank: _____ City: _____ State: _____ Zip: _____

(2) **Bonding Information:** If you have bonding capacity, identify: (a) Binder No: _____
 (b) Name of agent/broker _____ (c) Phone No: () _____
 (d) Address of agent/broker: _____ City: _____ State: _____ Zip: _____
 (e) Bonding limit: Aggregate limit \$ _____ Project limit \$ _____

F. Identify all sources, amounts, and purposes of money loaned to your firm, including the names of any persons or firms securing the loan, if other than the listed owner:

Name of Source	Address of Source	Name of Person Securing the Loan	Original Amount	Current Balance	Purpose of Loan
1.					
2.					
3.					

G. List all contributions or transfers of assets to/from your firm and to/from any of its owners over the past two years (attach additional sheets if needed):

Contribution/Asset	Dollar Value	From Whom Transferred	To Whom Transferred	Relationship	Date of Transfer
1.					
2.					
3.					

H. List current licenses/permits held by any owner and/or employee of your firm (e.g., contractor, engineer, architect, etc.) (attach additional sheets if needed):

Name of License/Permit Holder	Type of License/Permit	Expiration Date	License Number and State
1.			
2.			
3.			

I. List the three largest contracts completed by your firm in the past three years, if any:

Name of Owner/Contractor	Name/Location of Project	Type of Work Performed	Dollar Value of Contract
1.			
2.			
3.			

J. List the three largest active jobs on which your firm is currently working:

Name of Prime Contractor and Project Number	Location of Project	Type of Work	Project Start Date	Anticipated Completion Date	Dollar Value of Contract
1.					
2.					
3.					

AFFIDAVIT OF CERTIFICATION

This form must be signed and notarized for each owner upon which disadvantaged status is relied.

A MATERIAL OR FALSE STATEMENT OR OMISSION MADE IN CONNECTION WITH THIS APPLICATION IS SUFFICIENT CAUSE FOR DENIAL OF CERTIFICATION, REVOCATION OF A PRIOR APPROVAL, INITIATION OF SUSPENSION OR DEBARMENT PROCEEDINGS, AND MAY SUBJECT THE PERSON AND/OR ENTITY MAKING THE FALSE STATEMENT TO ANY AND ALL CIVIL AND CRIMINAL PENALTIES AVAILABLE PURSUANT TO APPLICABLE FEDERAL AND STATE LAW.

I _____ (full name printed), swear or affirm under penalty of law that I am _____ (title) of applicant firm _____ (firm name) and that I have read and understood all of the questions in this application and that all of the foregoing information and statements submitted in this application and its attachments and supporting documents are true and correct to the best of my knowledge, and that all responses to the questions are full and complete, omitting no material information. The responses include all material information necessary to fully and accurately identify and explain the operations, capabilities and pertinent history of the named firm as well as the ownership, control, and affiliations thereof.

I recognize that the information submitted in this application is for the purpose of inducing certification approval by a government agency. I understand that a government agency may, by means it deems appropriate, determine the accuracy and truth of the statements in the application, and I authorize such agency to contact any entity named in the application, and the named firm's bonding companies, banking institutions, credit agencies, contractors, clients, and other certifying agencies for the purpose of verifying the information supplied and determining the named firm's eligibility.

I agree to submit to government audit, examination and review of books, records, documents and files, in whatever form they exist, of the named firm and its affiliates, inspection of its place(s) of business and equipment, and to permit interviews of its principals, agents, and employees. I understand that refusal to permit such inquiries shall be grounds for denial of certification.

If awarded a contract or subcontract, I agree to promptly and directly provide the prime contractor, if any, and the Department, recipient agency, or federal funding agency on an ongoing basis, current, complete and accurate information regarding (1) work performed on the project; (2) payments; and (3) proposed changes, if any, to the foregoing arrangements.

I agree to provide written notice to the recipient agency or Unified Certification Program (UCP) of any material change in the information contained in the original application within 30 calendar days of such change (e.g., ownership, address, telephone number, etc.).

I acknowledge and agree that any misrepresentations in this application or in records pertaining to a contract or subcontract will be grounds for terminating any contract or subcontract which may be awarded; denial or revocation of certification; suspension and debarment; and for initiating action under federal and/or state law concerning false statement, fraud or other applicable offenses.

I certify that I am a socially and economically disadvantaged individual who is an owner of the above-referenced firm seeking certification as a Disadvantaged Business Enterprise (DBE). In support of my application, I certify that I am a member of one or more of the following groups, and that I have held myself out as a member of the group(s) (circle all that apply):

Female Black American Hispanic American
 Native American Asian- Pacific American
 Subcontinent Asian American
 Other (specify) _____

DBE UNIFORM CERTIFICATION APPLICATION SUPPORTING DOCUMENTS CHECKLIST
In order to complete your application for DBE certification, you must attach copies of all of the following documents as they apply to you and your firm.

All Applicants

- Work experience resumes (include places of ownership/employment with corresponding dates), for all owners and officers of your firm
- Personal Financial Statement (form available with this application)
- Personal tax returns for the past three years, if applicable, for each owner claiming disadvantaged status
- Your firm's tax returns (gross receipts) and all related schedules for the past three years
- Documented proof of contributions used to acquire ownership for each owner (*e.g., both sides of cancelled checks*)
- Your firm's signed loan agreements, security agreements, and bonding forms
- Descriptions of all real estate (including office/storage space, etc.) owned/leased by your firm and documented proof of ownership/signed leases
- List of equipment leased and signed lease agreements
- List of construction equipment and/or vehicles owned and titles/proof of ownership
- Documented proof of any transfers of assets to/from your firm and/or to/from any of its owners over the past two years
- Year-end balance sheets and income statements for the past three years (*or life of firm, if less than three years*); a new business must provide a current balance sheet
- All relevant licenses, license renewal forms, permits, and haul authority forms
- DBE and SBA 8(a) or SDB certifications, denials, and/or decertifications, if applicable
- Bank authorization and signatory cards
- Schedule of salaries (or other compensation or remuneration) paid to all officers, managers, owners, and/or directors of the firm
- Trust agreements held by any owner claiming disadvantaged status, if any

Partnership or Joint Venture

- Original and any amended Partnership or Joint Venture Agreements

Corporation or LLC

- Official Articles of Incorporation (*signed by the state official*)
- Both sides of all corporate stock certificates and your firm's stock transfer ledger
- Shareholders' Agreement
- Minutes of all stockholders and board of directors meetings
- Corporate by-laws and any amendments
- Corporate bank resolution and bank signature cards
- Official Certificate of Formation and Operating Agreement with any amendments (for LLCs)

Trucking Company

- Documented proof of ownership of the company
- Insurance agreements for each truck owned or operated by your firm
- Title(s) and registration certificate(s) for each truck owned or operated by your firm
- List of U.S. DOT numbers for each truck owned or operated by your firm

Regular Dealer

- Proof of warehouse ownership or lease
- List of product lines carried
- List of distribution equipment owned and/or leased

NOTE: The specific state UCP to which you are applying may have additional required documents that you must also supply with your application. Contact the appropriate certifying agency to which you are applying to find out if more is required.

Section Stocks & Bonds 2* Stocks & Bonds

Number of Shares	Name of Securities	Cost	Market Value Quotation/Exchange	Date of Quotation/Exchange	Total Value
TOTAL					

Section 3* Real Estate Owned (List each parcel separately)

	Property A	Property B	Property C
Type of Property			
Address			
Date Purchased			
Original Cost			
Present Market Value			
Name & Address of Mortgage Holder			
Mortgage Account Number			
Mortgage Balance			
Payment Amount (annual)			
Mortgage Status			

Section 4* Other Personal Property and Other Assets: Describe if any is pledged as security, state name and address of lien holder, amount of lien, terms of payment, and if delinquent, describe delinquency, household items, art & other collectibles, and personal effects

Section 5* Unpaid Taxes: Describe in detail, as to type, to whom payable, when due, amount, and to what property, if any, a tax lien attaches.

Section 6* Other Liabilities: Describe in detail.

Section 7* Life Insurance Held: Give face amount and cash surrender value of policies - name of insurance company and beneficiaries.

I hereby authorize DDOT to make inquiries, as necessary, to verify the truth and accuracy of the information contained herein. Further, I declare, under penalty of perjury under the laws of the United States, that the foregoing information and information contained in attachments hereto, is true and accurate as of the stated date. These statements are made for the purpose of obtaining DDOT DBE Certification and possible participation on federally-assisted contracts. I understand false statements may result in my inability to obtain or continue DDOT DBE Certification and may result in criminal prosecution.

Print Name:	Social Security Number:
Signature:	Date:

Notary Public (print name): _____

Notary Public (signature): _____

Sworn to before me this _____ day of _____ (Notary Seal)

Attachment 10

Procedures for Removal of DBE's Eligibility

REMOVAL OF A DBE'S ELIGIBILITY

Section 26.87

(a) *Ineligibility complaints.* (1) Any person may file with you a written complaint alleging that a currently-certified firm is ineligible and specifying the alleged reasons why the firm is ineligible. You are not required to accept a general allegation that a firm is ineligible or an anonymous complaint. The complaint may include any information or arguments supporting the complainant's assertion that the firm is ineligible and should not continue to be certified. Confidentiality of complainants' identities must be protected as provided in § 26.109(b).

(2) You must review your records concerning the firm, any material provided by the firm and the complainant, and other available information. You may request additional information from the firm or conduct any other investigation that you deem necessary.

(3) If you determine, based on this review, that there is reasonable cause to believe that the firm is ineligible, you must provide written notice to the firm that you propose to find the firm ineligible, setting forth the reasons for the proposed determination. If you determine that such reasonable cause does not exist, you must notify the complainant and the firm in writing of this determination and the reasons for it. All statements of reasons for findings on the issue of reasonable cause must specifically reference the evidence in the record on which each reason is based.

(b) *Recipient-initiated proceedings.* If, based on notification by the firm of a change in its circumstances or other information that comes to your attention, you determine that there is reasonable cause to believe that a currently certified firm is ineligible, you must provide written notice to the firm that you propose to find the firm ineligible, setting forth the reasons for the proposed determination. The statement of reasons for the finding of reasonable cause must specifically reference the evidence in the record on which each reason is based.

(c) *DOT directive to initiate proceeding.* (1) If the concerned operating administration determines that information in your certification records, or other information available to the concerned operating administration, provides reasonable cause to believe that a firm you certified does not meet the eligibility criteria of this part, the concerned operating administration may direct you to initiate a proceeding to remove the firm's certification.

(2) The concerned operating administration must provide you and the firm a notice setting forth the reasons for the directive, including any relevant documentation or other information.

(3) You must immediately commence and prosecute a proceeding to remove eligibility as provided by paragraph (b) of this section.

(d) *Hearing.* When you notify a firm that there is reasonable cause to remove its eligibility, as provided in paragraph (a), (b), or (c) of this section, you must give the firm an opportunity for an informal hearing, at which the firm may respond to the reasons for the proposal to remove its

eligibility in person and provide information and arguments concerning why it should remain certified.

(1) In such a proceeding, you bear the burden of proving, by a preponderance of the evidence, that the firm does not meet the certification standards of this part.

(2) You must maintain a complete record of the hearing, by any means acceptable under state law for the retention of a verbatim record of an administrative hearing. If there is an appeal to DOT under § 26.89, you must provide a transcript of the hearing to DOT and, on request, to the firm. You must retain the original record of the hearing. You may charge the firm only for the cost of copying the record.

(3) The firm may elect to present information and arguments in writing, without going to a hearing. In such a situation, you bear the same burden of proving, by a preponderance of the evidence, that the firm does not meet the certification standards, as you would during a hearing.

(e) *Separation of functions.* You must ensure that the decision in a proceeding to remove a firm's eligibility is made by an office and personnel that did not take part in actions leading to or seeking to implement the proposal to remove the firm's eligibility and are not subject, with respect to the matter, to direction from the office or personnel who did take part in these actions.

