



# ***ODOT OCR DBE Triage Training***

***Improving Understanding, Function and  
Procedural DBE Compliance***

ODOT Training

March 1, 2011



# ***ODOT DBE Program Purpose***

*The Oregon Department of Transportation is committed to a Civil Rights Program to encourage the participation of Disadvantaged Business Enterprises (DBE's) in contracting opportunities*



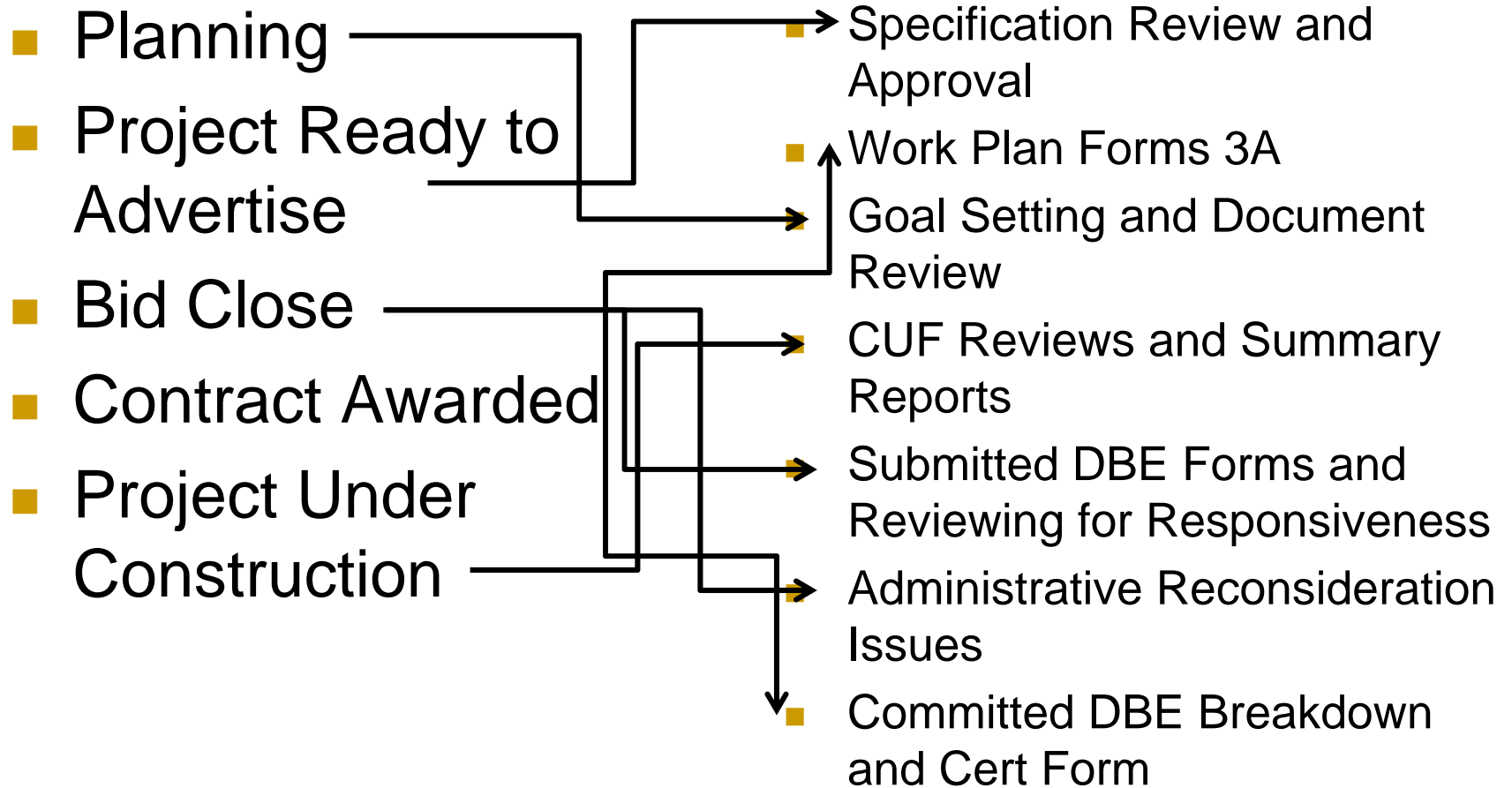
# *Where we're going...*

## 3 Topics

1. Understanding Project Phase Requirements
2. Reviewing Important Forms
3. Highlighting Key Processes and Roles



# Project Phases DBE Style





# Tools to Help Unravel the Confusion

- DBE Timeline
- DBE Forms Matrix
- DBE Website
- DBE Flow Diagram (*in development*)
- This Presentation!!!



## *Planning Stage*

- 90% PS&E Local Agency (LA) sends to Liaison for review
- Liaison sends to OCR for goal setting
- OCR returns project plan to LA with goals
- LA notifies Primes and Subs of goals for upcoming project

**\*\* Goals must be set by OCR\*\***



# Project Ready to Advertise

## Pre-Bid Meeting

- Specifications Review and Approval
- Encourage Primes and Subs to exchange information
- Primes gather information on upcoming project

## Bid Open

- All Primes submit
  - DBE Certification and Utilization Part I or II
  - Include all necessary documentation to prove DBE commitment or efforts to secure DBE
  - Subcontractor Solicitation and Utilization Report Form
- OCR available to answer questions



# Bid Close - Review

## Goal Responsiveness

- DBE Operation and Capacity?
- DBE Functional?
- DBE Eligible?

## Good Faith Efforts

- Included Communication Trail?
- Sufficient Time, Notice, Opportunity?
- Sufficient Number of Contacts and Attempts?
- Attempted Negotiations?



## KEY POINT!

**\*\*All documentation to show efforts made to meet DBE goal must be included in the bid package\*\***



# Administrative Reconsideration

- If the low bid is deemed non-responsive, Procurement Office (OPO) sends letter to Prime
  - Within 4 days
  - Informing of non-responsiveness status and
  - The Prime's rights to an Administrative Reconsideration



# Apparent Awardee

- Committed DBE Breakdown and Certification Form
  - Within 10 days of Notice of Intent to Award Letter
- Work Plan Proposal Form 3A to PM and FC for all committed DBE's
- If Committed DBE Form does not match DBE Certification Form from bid package
  - Valid Substitution
  - Good Faith Efforts



# Project in Construction

## 3 Topics

- CUF reviews
- Monthly Paid Summary Reports
- Changes to or Termination of DBE's



# CUF Reviews

- Match up work performed with stated work in DBE Certification Form and subcontract
- Have conversation with DBEs
- Be familiar with DBE workers and equipment
- Inspect during peak construction activity
- Complete DBE CUF Form 3B
- PM reviews
- FC reviews



# DBE Firms Must Maintain

## Operational Control

- Experience in the industry
- Independently make basic decisions about daily operations
- Technical competence in the industry

## Managerial Control

- Power to hire/fire
- Make independent and unilateral decisions to guide business
- Contracted management is sufficient if ultimate decision on contracted managers rests in the business
- Inability to Bind S&E firms



# Monthly Summary Reports

- Prime submits
  - Monthly Summary Report of Subcontractors Paid Form for all Subcontractors
  - OCR inputs payment data in Payment Tracking System
  - ODOT sends to FHWA the Uniform Report of DBE Commitments/Awards and Payments



# Reviewing Monthly Summary Reports

- PM reviews
  - Payment amount
  - Activity paid for
  - Industry rates vs pay rates for activity
  - Match activity paid to CUF reviews and project milestones
- FC reviews and enters into tracking system



# Changes, Subs or Terminations

- Prime makes written request of permission to PM prior to any actions occurring
- Prime provides written notice to DBE of intent to terminate/replace
- PM reviews and forwards to OCR
- OCR reviews and makes determination

**\*\*OCR makes determination prior to Prime taking any action against a DBE firm\*\***



DBE Program Website Guide

# WHERE TO FIND THIS INFORMATION...



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**QUESTIONS?**