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ODOT DBE Advisory Committee Charter

September 2022

Project background

In September 2020, the Oregon Department of Transportation's Office of Civil Rights (OCR) received funding for Disadvantaged Business Enterprise (DBE) Supportive Services as part of federal funding allocated by the Oregon Transportation Commission (OTC). This funding will be used to identify and address barriers that DBE certified firms face when competing for work with ODOT.

To center DBE perspectives in this process, ODOT established an advisory committee made up of DBE firms, large prime contractors, and industry partner representatives. This group will meet as a cohort starting in September 2022 through July 2023 to build on previous work that identifies barriers DBE firms face when contracting with ODOT and develop recommendations to address those barriers. Future cohorts will continue this work, while also monitoring ODOT's progress toward implementing recommendations from prior cohorts and other similar efforts.

Goals

The goal of the DBE Advisory Committee is to share recommendations with ODOT to address challenges and barriers that Oregon certified DBE firms face when pursuing work with ODOT.

Specific goals of advisory committee cohorts will be:

- To determine availability and capacity of DBE firms in ODOT's relevant market area.
- To determine challenges and barriers for DBE firms in ODOT's solicitation and contracting process.
- To identify other possible contracting disparities between the availability and the utilization of ready, willing, and able firms to participate in contracts for goods and services related to the operations, maintenance and construction of highways, bridges, and other related transportation facilities in the state of Oregon.
- To review work of the prior cohort, including revisiting the list of barriers faced by DBE firms and assessing progress made toward reducing those barriers.
- To present a prioritized list of recommendations to ODOT to evaluate for implementation.
- To develop DBE specific supportive services to address identified barriers.
- To establish a long-term legacy for future cohorts so the DBE Advisory Committee may serve as an on-going resource for ODOT and the Oregon DBE community.

The outcomes of this work will include a refined and prioritized list of challenges and barriers DBE firms face when contracting with ODOT and a recommendations report suggesting how to address those barriers.

Measuring success

The DBE Advisory Committee's success will be defined by the following metrics:

- Majority agreement among DBE firms participants taking an end of term feedback survey that the committee was a positive and meaningful experience for them.
- The committee develops a prioritized list of recommendations.
- The committee's recommendations are shared with relevant ODOT staff, including senior administrators.
- ODOT initiates an analysis and plan for implementing recommendations within three months of cohort completion.
- There is a 20% increase in contracts with DBE firms as primes within one year of cohort completion.
- There is a 20% increase in contract value committed to DBE firms on contracts with prime contractors within one year of cohort completion.
- There are DBE commitments in every ODOT work area within one year of cohort completion.
- There is a 20% increase in dollars committed to DBE firms in contracts within one year of cohort completion.

Committee structure

This committee includes representatives from DBE firms. Additional committee members will include industry organizations with a mission to helping promote and develop business for DBE firms and large firms that often work with ODOT and require sub-consultants to support their work. This first cohort of the committee includes the following individuals:

DBE firm members

1. Arti O'Brien, [Advanced Government Services](#)
2. Debbie Rockway, [AllSource Construction and Safety Supply](#)
3. Herb Yamamoto, [BIM Connection](#)
4. James Faison, [Faison Construction](#)
5. Karisa Mata, [Certified Personnel Service](#)
6. Khang Tran, Humanus Labs
7. Lillian Stevenson, [Berrien Concrete](#) (BCI)
8. Marcela Alcantar (Kiekari Wiya), [Alcantar & Associates](#)
9. Matt Calhoun, [GI Junk Removal](#)
10. Monica Leal, [Global Transportation Engineering](#)
11. Rene Christianson, [High Point Construction](#)
12. Suzanne Donaldson, [Donaldson Consulting](#)
13. Trisha Cauthorn, [Corpac Construction](#)

Large firm and industry partner committee members

1. Ben Hert, [David Evans and Associates](#)
2. Collina Beard, [Oregon Association of Minority Entrepreneurs](#) (OAME)
3. Devanta Black, [Kiewit](#)

4. Joe Sky-Turner, [Business Impact Northwest](#)
5. Matt Hennessee, [Professional Business Development Group](#)
6. Mario Alexander, [Conference of Minority Transportation Officials](#) (COMTO)
7. Stephanie Serpico, [HDR](#)

The cohort will be supported in technical matters by a group of advisors from several Oregon agencies, including:

- Bobbi Matthews, [Port of Portland](#)
- Carrie L. Baxandall, [Certification Office for Business Inclusion and Diversity](#) (COBID)
- Larry Ilg, [ODOT Statewide Project Delivery](#)
- Maria Ellis, [ODOT Office of Social Equity](#)
- Melissa Canfield, [OregonBuys](#) and [ODOT Office of Procurement](#)

The committee will be administered and supported by ODOT’s Office of Civil Rights (OCR) and their consultant, PRR. These staff are responsible for administration of the committee:

- Angela Crain, OCR Manager
- Catherine Biscoe, OCR Small Business Programs Manager
- Diponker Mukherjee, OCR DBE Program Manager
- Brett Houghton, PRR Facilitator
- Hayley Nolan, PRR Communications Support
- Kristen Bishop, PRR Communications Lead
- Malika Klingler, PRR Facilitator

Meeting schedule and format

The committee will meet once a month from September 2022 through March 2023, except December, and then again in June and July 2023. Some meeting dates will include only DBE firm representatives (small group) while others will include the entire group (large group).

Meeting	Objectives
<p>September 14, 2022 Large group</p>	<ul style="list-style-type: none"> • Introduce advisory committee members to one another • Introduce project • Confirm committee goals and milestones with committee members • Establish meeting structure and confirm meeting time for future committee meetings • Prioritize the challenges and barriers DBE firms are facing when pursuing work with ODOT for this committee to consider

Meeting	Objectives
<p>October 12, 2022 Small group</p>	<ul style="list-style-type: none"> • Refine list of challenges and barriers DBE firms are facing when pursuing work with ODOT to top five most pressing and actionable items to address • Split into subcommittees to begin research on case studies or possible solutions from other DOTs or agencies
<p>November 9, 2022 Small group</p>	<ul style="list-style-type: none"> • Subcommittees share subcommittee findings and refine recommendations and ideas
<p>January 11, 2023 Large group</p>	<ul style="list-style-type: none"> • Review recommendations and ideas from small group meetings • All committee members have an opportunity to ask questions, share comments and refine recommendations
<p>February 8, 2023 Small group</p>	<ul style="list-style-type: none"> • Subcommittees and all small group committee members have an opportunity to incorporate or respond to input from January meeting
<p>March 8, 2023 Large group</p>	<ul style="list-style-type: none"> • Committee members review all recommendations to propose to ODOT • Identify plan to present to ODOT leadership • Committee members finalize list of prioritized recommendations
<p>June 14, 2023 Large group</p>	<ul style="list-style-type: none"> • ODOT presents plan for implementation of committee's recommendations • Committee has an opportunity to respond to the plan • ODOT staff have an opportunity to ask any questions and share barriers they have discovered

Meeting	Objectives
<p>July 12, 2023 Large group</p>	<ul style="list-style-type: none"> • ODOT shares final plan to implement recommendations • Committee members and PRR share a recap of year one, lessons learned, and transition plan for the next cohort • Everyone celebrates the work of the inaugural DBE Advisory Committee!

Meetings will be virtual and held on Zoom. Meetings will be two hours long. The team will determine meeting times after consulting with each committee member. Once determined, each meeting will be held at a consistent time.

Roles and responsibilities

ODOT is committed to helping create an environment where committee members can take risks and share honestly about their experiences and their needs. For the DBE Advisory Committee to accomplish its objectives, members and staff will work together to create a space in which people feel comfortable sharing their perspectives openly with confidence ODOT is listening.

To support such an environment, all members, facilitators, advisors, and staff will:

- Arrive on time and prepared to participate.
- Contribute with honesty, fairness, and respect.
- Speak in a clear and concise manner.
- Listen to others without interrupting.
- Commit to no reprisal.
- Support the committee to develop recommendations that reflect their interests and priorities.
- Respect the process and aim to reach agreement and closure.

DBE Advisory Committee members, including DBE firms, large firms, and industry partners, will:

- Review agendas and any meeting materials sent in advance.
- Attend all meetings and participate in conversations between meetings.
- Openly share input, ideas, and information to encourage collaborative and efficient dialogue.
- Flag issues or impacts that should be considered in decision making.
- Keep an open mind regarding others' input, ideas and perspectives.
- Voice concerns about the committee process with the ODOT team and committee members before taking any public action or statement that could impact the process.
- Contribute to the development of the recommendations report.
- Share their experiences respectfully without malice to individual staff members.

DBE Advisory Committee technical advisors will:

- Attend large group meetings.

- Provide support to the committee by offering a non-DBE perspective when appropriate or invited.
- Listen to and answer questions posed by committee members.

ODOT's project team will:

- Provide technical expertise and information to inform committee dialogue and recommendations.
- Consult with the committee, listen carefully and consider all committee input.
- Explain and provide regular updates on how ODOT will use committee feedback and recommendations.

DBE Advisory Committee facilitators (PRR) will:

- Provide meeting agendas to ODOT for approval with enough time to send to committee members in advance of each meeting.
- Provide presentation materials and high-level summaries following each meeting.
- Serve as guides to organize and support the process with no stake in the direction for group recommendations.
- Support the group to stay focused on the agreed-upon task.
- Set protocol for each meeting, suggest alternative methods and procedures, and encourage participation by all group members.
- Work with the ODOT team to coordinate meeting logistics, prepare meeting agendas, materials, and documentation.
- Assist in keeping communication open and constructive between the committee members and ODOT's project team and technical advisors.
- Address access and accommodation needs and requests.

Process of making decisions

ODOT will support the committee to come to agreement in its recommendations. To do this, ODOT and committee members will:

- Present clear, transparent information.
- Ask clarifying questions.
- Make space for all committee members to be heard.
- Engage in constructive conflict. Invite clarifying questions, objections, and disagreement, but not linger there.
- Identify and include any areas of disagreement that are not resolved in the recommendations report.

The group will use a consent agreement decision-making process. Consistent with that, the recommendations report will describe areas of agreement and disagreement and clarify where and why there is a disagreement.

Committee communications

Internal

Between meetings, DBE Advisory Committee members should direct questions and comments to consultant project manager Kristen Bishop at PRR (kbishop@prrbiz.com). The project team will commit to responding to inquiries within three business days, with the understanding that complete responses might require more time. If an advisory committee member would like to communicate with the rest of the committee, they may send the communications lead an email for distribution to the larger group. The communications lead may choose to bundle this email with other emails to the committee.

The project team will use email to communicate with committee members, including:

- Sending meeting materials one week in advance of meetings.
- Sending meeting summaries or any materials requested during the meeting within one week after the meeting.
- Sending important updates as necessary.

External

DBE Advisory Committee members should not represent themselves as speaking for the entire group. Committee members should not represent themselves as speaking for ODOT under any circumstances. This working rule in no way restricts individual committee members, in their capacity as community members, from interacting with elected officials, the media or community organizations.

Compensation

ODOT will compensate committee members who are not otherwise compensated for their participation in the advisory committee as described in the [Equitable Engagement Compensation Plan](#). Committee members who are eligible and choose to participate will be compensated via a prepaid cash card. The amount of compensation is based on participation.

Background information

This committee's work will be grounded in existing research and ongoing discourse in DBE communities. Some materials on which the committee will build their work include:

- [ODOT Strategic Action Plan](#)
- [2022 Disparity Study by Keen Independent Research](#)
- [ODOT BIPOC Contracting Expansion Anti-Oppression Barriers Analysis](#)
- [State of Oregon Racial Justice Council](#)
- [Oregon Minority Contracting Task Force](#)

Appendix B: Advisory Committee members and meeting attendance

	Committee member	Sept. 14, 2022 large	Oct. 12, 2022 small	Nov. 9, 2022 small	Jan. 11, 2023 large	Feb. 8, 2023 small	March 8, 2023 large	June 14, 2023 large	July 12, 2023 large
DBE firms	Trisha Cauthorn								
	Khang Tran	X	X	X	X	X	X	X	X
	Lillian Stevenson	X	X	X	X	X	X	X	X
	Marcella Alcantar	X	X	X	X	X		X	X
	Monica Leal								
	Arti O'Brien / Doug Sibert	X		X	X	X	X		
	Debbie Rockway	X		X		X		X	
	Karisa Mata	X	X	X	X	X	X	X	X
	René Christianson	X							
	Suzanne Donaldson	X		X	X	X	X	X	X
	Matt Calhoun	X	X	X	X	X		X	X
	James Faison	X	X	X	X	X	X	X	X
Herb Yamamoto	X	X	X						
Prime firms	Devanta Black	X			X				
	Ben Hert	X			X		X		
	<i>Stephanie Serpico</i>	X							
Industry partners	Mario Alexander	X			X		X	X	
	Joe Sky-Tucker	X			X		X		X
	Matt Hennessee	X			X	X	X		
	Kenyatta Trice				X	X	X	X	X
	Collina Beard	X					X	X	
Technical Advisors	Bobbi Matthews	X							
	Carrie Baxandall	X			X				X
	Justin Moderie ¹						X	X	X

¹ Added to group in March 2023

	Committee member	Sept. 14, 2022 large	Oct. 12, 2022 small	Nov. 9, 2022 small	Jan. 11, 2023 large	Feb. 8, 2023 small	March 8, 2023 large	June 14, 2023 large	July 12, 2023 large
	Melissa Canfield	X			X	X	X		X
	Holli Pick				X	X	X	X	X
	Jim West ²							X	X
	Kevin Cassidy ³							X	X
	Summer Guthrie ⁴							X	X
	Joni Sirovatka ⁵							X	X

² Added to group in April 2023

³ Added to group in June 2023

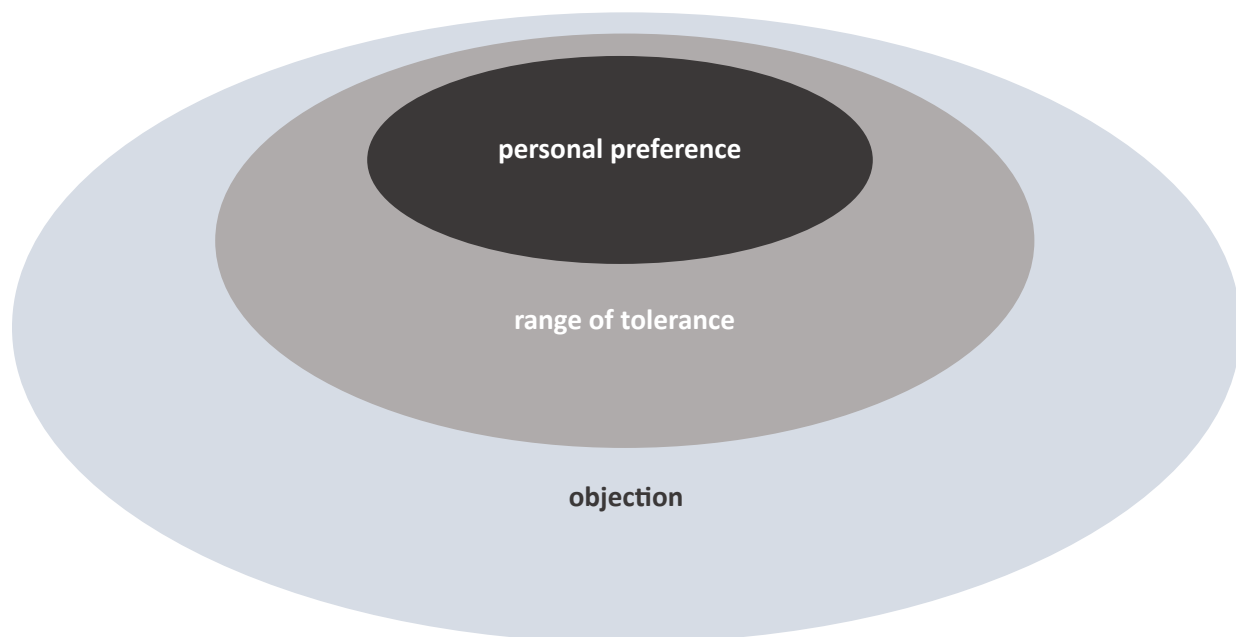
⁴ Added to group in June 2023

⁵ Added to group in April 2023

Consent Decision Making for ODOT DBE Advisory Committee

Background

Consent Decision Making is a way for groups with diverse points of view to come to decisions in a structured way that helps all members of the group to be heard. It is *not* consensus. Rather it is defined by a lack of objections. It seeks agreement within a range of tolerance – things that are not our preference, but that we can live with.



Process

1. Barriers prioritization

Prioritize the list of barriers DBE firms are facing. Share out all the barriers from the barrier prioritization activities.

2. Clarifying questions

Ask clarifying questions (only!) with the goal to understand the barriers. You're not trying to prioritize the barriers right now, only understand them.

3. Quick responses

Everyone gets a chance to give their opinion and insights, preferably in five sentences or less. Committee members might share supporting data, propose improvements in wording or even explanations as to why they like prioritizing a certain barrier.

Small changes to how a barrier is framed or described are allowed, so long as everyone on the committee is clear on the changes.

4. Consent round

Now that everyone in the group understands the barriers and has provided their thoughts, the facilitator asks each person if they have an objection. All objections should be heard and kept brief. Clarifying questions on each objection is allowed, but not debate.

5. Resolve objections

Discuss objections individually and attempt to integrate them into the prioritization. If they cannot be integrated, indicate this in the notes.

Appendix D: Advisory Committee meeting summaries

September 2022

Oregon Department of Transportation Disadvantaged Business Enterprise Advisory Committee September 14, 2022

Meeting #1 Summary

Meeting attendance

DBE firms

- Arti O'Brian and Doug Sibert, Advanced Government Services (DBE, MBE)
- Debbie Rockway, AllSource Construction and Safety Supply (DBE, WBE)
- Herb Yamamoto, BIM Connection (DBE, MBE)
- James Faison, Faison Construction (DBE, MBE)
- Karisa Mata, Certified Personnel Service (DBE, WBE)
- Khang Tran, Humanus Labs (DBE, ESB, MBE)
- Lillian Stevenson, Berrien Concrete (DBE, ESB, MBE, SBE)
- Marcela Alcantar (Kiekari Wiya), Alcantar & Associates (DBE, MBE, WBE)
- Matt Calhoun, GI Junk Removal (DBE, SBD, ESB, MWBE, Veteran-owned)
- Rene Christianson, High Point Construction (DBE, WSM)
- Suzanne Donaldson, Donaldson LLC (DBE, MBE, WBE)

Not in attendance:

- Monica Leal, Global Transportation Engineering (DBE, MBE, WBE)
- Trisha Cauthorn, Corpac Construction (DBE, MBE, WBE)

Large firm and industry partners

- Ben Hert, David Evans and Associates
- Collina Beard, Lane Transit / OAME
- Devanta Black, Kiewit
- Joe Sky-Tucker, Business Impact Northwest
- Mario Alexander, COMTO
- Pastor Matt Hennessee, Professional Business Development Group
- Stephanie Serpico, HDR Engineering

Technical advisors

- Carrie Baxandall, COBID
- Bobbi Matthews, Port of Portland
- Larry Ilg, ODOT Statewide Project Delivery
- Maria Ellis, ODOT Office of Social Equity
- Melissa Canfield, ODOT Office of Procurement

Project team

- Angela Crain, OCR Manager
- Brett Houghton, PRR Facilitator
- Catherine Biscoe, OCR Small Business Programs Manager
- Diponker Mukherjee, OCR DBE Program Manager
- Nancy Thai, PRR Facilitator

Comments and questions:

- One committee member expressed desire to hear directly from ODOT leadership that the agency is committed to doing this work and integrating advisory committee input. Several committee members supported this comment.
- A member shared that many committee members may be working overtime to accommodate two-hour committee meetings. The project team reminded the group that there is a compensation plan and asked for members to follow up with any questions.
- Committee member acknowledged the funding that has resulted from previous studies; and asked for a high-level document that reflects the key takeaways from the various studies.
- Members talked about the need to launch off from the existing studies. The results from these studies showed information that we already know. It is frustrating for the government to spend money on these studies instead of funding DBE firms. One member stated the need for strategic plan to avoid starting over each time and protect the committee from shifts in political priorities.
 - A member said the plan needs commensurate funding and systemic changes that will decrease barriers to be meaningful.
- Members want to see action instead of talking. There is a desire for the work of the committee to have longevity and immediate action and benefit.
 - One member suggested developing three near-term actions the committee can accomplish.
- Committee member shared the need for representation from Indigenous people, specifically those who are also Hispanic. The member recommended that ODOT reconsider how they identify people who are Hispanic and white or Hispanic and people of color. The committee member would like to see Indigenous people added to the protected list.
- Committee member suggested ODOT provide and go through training for public agencies on how to achieve their DBE goals. ODOT can set standards and hold primes accountable rather than primes holding aspirational goals.
- One committee member shared their priorities, in no particular order:
 - **Commercially Useful Function:** Review of Interpretation, Implementation, and Enforcement of CUF as it relates to the DBE Program.
 - **Barriers to Contracting:** The following barriers to contracting need to be addressed in order to build capacity and sustainability with DBEs:

- Impact of the Flow Down Provisions (from Agency Owner to Prime Contractors to DBE subcontractors) and how ODOT OCR and the Construction Office can help minimize the financial, legal, and insurance risks and exposures to DBEs.
 - Insurance requirements
 - Bonding requirements
 - Indemnification requirements
- **Current ODOT Bid Item Requirements:**
 - Lump Sum Bid Items, there is no clarity on the length of the project.
 - Each bid items (i.e., for Arrow Boards and PCMS Boards): How would we bid a 3-month project vs. a 2-year project with each? How do you forecast 3 each for a 2-year project? This type of bid requirement makes bidding by a traffic control company very difficult.
 - Bidding of Shifts vs hours.
 - Other current bidding requirements provide few incentives for Primes to want to use DBE traffic companies' equipment vs. using their own due to the greater levels of risk associated with these bid item requirements.
- **DBE NAICS Code Reporting:** more transparency in classifications and reporting of DBE dollars by contract and by DBE Contractor/Subcontractor is needed.
- **Long Term Success of DBEs:** Tracking and Analysis of not only DBE Capacity building initiatives but also growth and sustainability of DBEs within the DBE Program with ultimate objective of graduating from the Program.

Action items:

- Industry partner requested the disparity study summary.
- ODOT will send executive summary (solutions follow-up from OR Racial Justice Council) out to members.
- ODOT will share context of what work it has already started and is currently working on.
- Committee members will send charter comments or questions to Brett by Wednesday, September 28.
- ODOT will share the meeting summary with committee members by Wednesday, September 28.

October 2022

**Oregon Department of Transportation
Disadvantaged Business Enterprise Advisory Committee
October 12, 2022**

Meeting #2 Summary

Meeting attendance

DBE firms

- Herb Yamamoto, BIM Connection (DBE, MBE)
- James Faison, Faison Construction (DBE, MBE)
- Karisa Mata, Certified Personnel Service (DBE, WBE)
- Khang Tran, Humanus Labs (DBE, ESB, MBE)
- Lillian Stevenson, Berrien Concrete (DBE, ESB, MBE, SBE)
- Marcela Alcantar (Kiekari Wiya), Alcantar & Associates (DBE, MBE, WBE)
- Matt Calhoun, GI Junk Removal (DBE, SBD, ESB, MWBE, Veteran-owned)

Not in attendance

- Arti O'Brian and Doug Sibert, Advanced Government Services (DBE, MBE)
- Debbie Rockway, AllSource Construction and Safety Supply (DBE, WBE)
- Monica Leal, Global Transportation Engineering (DBE, MBE, WBE)
- Rene Christianson, High Point Construction (DBE, WSM)
- Suzanne Donaldson, Donaldson LLC (DBE, MBE, WBE)
- Trisha Cauthorn, Corpac Construction (DBE, MBE, WBE)

Project team

- Angela Crain, OCR Manager
- Brett Houghton, PRR Facilitator
- Diponker Mukherjee, OCR DBE Program Manager
- Nancy Thai, PRR Facilitator

Meeting notes

The DBE Advisory Committee met for a small group meeting, on Wednesday, October 12, 2022. Small group meetings are for DBE firms only, without industry partners, primes, or technical advisors in attendance. The group shared introductions about their businesses and reviewed and prioritized known barriers for the group to address.

- While some committee members felt comfortable having the meetings recorded, as a group committee members agreed to not record these DBE only meetings.
- One committee member asked if the project team could send out meeting materials earlier so committee members could have more time reviewing ahead of the next meeting.
- One committee member noted that the barriers in the document did not include anything on including Indigenous peoples as a protected class

- The group went through an activity to prioritize the top barriers they would like to address. The following are the top six barriers from that process:
 1. Indigenous identity not included as a protected class
 2. Difficulty obtaining task approvals
 - a. Inspectors and how the work is inspected, and other requirements
 3. Challenges with open communications and access to prime agreements
 4. Payment schedule and lack of prompt pay or slow payment
 - a. Retainage or lower retainage
 5. Contracts bundling work that small firms could do with unbundled contracts
 - a. Bonding
 - b. Breaking out scopes
 - c. Including both A&E and construction and recognizing the differences
 6. Lack of alternative delivery methods

Action items:

- One committee member will share the impact versus effort chart and the fact sheets on barriers with problem statement and data (i.e., prompt pay).
- The facilitators will include reviewing the consent decision making process at the beginning of the next meeting in November.

November 2022

**Oregon Department of Transportation
Disadvantaged Business Enterprise Advisory Committee
November 9, 2022**

Meeting #3 Summary

Attendance

DBE firms

- Arti O’Brian, Advanced Government Services (DBE, MBE)
- Debbie Rockway, AllSource Construction and Safety Supply (DBE, WBE)
- Herb Yamamoto, BIM Connection (DBE, MBE)
- James Faison, Faison Construction (DBE, MBE)
- Karisa Mata, Certified Personnel Service (DBE, WBE)
- Khang Tran, Humanus Labs (DBE, ESB, MBE)
- Lillian Stevenson, Berrien Concrete (DBE, ESB, MBE, SBE)
- Matt Calhoun, GI Junk Removal (DBE, SBD, ESB, MWBE, Veteran-owned)
- Marcela Alcantar (Kiekari Wiya), Alcantar & Associates (DBE, MBE, WBE)
- Suzanne Donaldson, Donaldson LLC (DBE, MBE, WBE)

Not in attendance

- Monica Leal, Global Transportation Engineering (DBE, MBE, WBE)
- Rene Christianson, High Point Construction (DBE, WSM)
- Trisha Cauthorn, Corpac Construction (DBE, MBE, WBE)

Project team

- Angela Crain, OCR Manager
- Brett Houghton, PRR Facilitator
- Diponker Mukherjee, OCR DBE Program Manager
- Hayley Nolan, PRR Committee Support
- Malika Klingler, PRR Facilitator

Meeting goals

- Participants and project team understand barriers and have the information to draft an initial problem statement for each barrier that includes background and preliminary ideas for solutions.
- Group agrees on an order to approach the six priority barriers.

Meeting notes

The DBE Advisory Committee met for a small group meeting on Wednesday, November 9, 2022. Small group meetings are for DBE firms only, without industry partners, primes, or technical advisors in attendance.

Welcome and updates

- Angela Crain, OCR Manager, shared an update about the OCR team. Catherine Biscoe, OCR Small Business Programs Manager, is unavailable for the time being and is no longer the point of contact for the committee. Angela and Diponker are now the contacts.
- Brett Houghton introduced two new PRR team members. Hayley Nolan will provide meeting and logistical support to the committee, and Malika Klingler will co-facilitate meetings with Brett.
- A committee member acknowledged the potential difficulty for PRR to facilitate Advisory Committee meetings while integrating true change and maintaining balance between ODOT and DBE firm priorities.

ODOT current efforts to remove barriers to DBE firms

- Angela reviewed the six barriers committee members identified in meeting #2 and what current ODOT actions and efforts relate to these barriers.
- Some committee members asked when ODOT stopped holding retainage in its payment process. Angela said she would get back to the group with this information.
- One committee member asked if ODOT can track the specific actions the agency is taking to remove barriers to DBE firms. The member expressed the importance of seeing progress and not just activity.
 - The ODOT team offered to provide regular updates on ODOT's progress implementing efforts to remove barriers.
- Key takeaways:
 - Increasing access for DBE firms requires collaboration, including between different ODOT departments, between State agencies, and with federal agencies.
 - Significant progress takes time. Large government agencies like ODOT do not function as nimbly as small businesses and often require more time to adapt to new information.

In-depth discussion of six priority barriers

- The group spent the rest of the meeting talking through each of the six barriers identified in meeting #2, focusing on making sure all committee members understand the barrier and why it matters.

Action items and next steps

- Angela will follow up with information on when ODOT stopped holding retainage.
- Project team will draft barrier problem statements by Wednesday, December 14.
- DBE committee members will provide input on problem statements by Wednesday, December 28.
- Next meeting is a full-group meeting on Wednesday, January 11.

January 2023

**Oregon Department of Transportation
Disadvantaged Business Enterprise Advisory Committee
January 11, 2023**

Meeting #4 Summary

Attendance

DBE firms

- Arti O'Brian, Advanced Government Services (DBE, MBE)
- James Faison, Faison Construction (DBE, MBE)
- Karisa Mata, Certified Personnel Service (DBE, WBE)
- Khang Tran, Humanus Labs (DBE, ESB, MBE)
- Lillian Stevenson, Berrien Concrete (DBE, ESB, MBE, SBE)
- Matt Calhoun, GI Junk Removal (DBE, SBD, ESB, MWBE, Veteran-owned)
- Marcela Alcantar (Kiekari Wiya), Alcantar & Associates (DBE, MBE, WBE)
- Suzanne Donaldson, Donaldson LLC (DBE, MBE, WBE)

Prime firms

- Benjamin Hert, David Evans Associates
- Devanta Black, Kiewit

Industry partners

- Joe Sky-Tucker, Business Impact NW
- Mario Alexander, Conference of Minority Transportation Officials
- Matt Hennessee, Professional Business Development Group

Technical advisors

- Carrie Baxandall, COBID
- Holli Pick, ODOT Alternative Delivery Program Manager
- Melissa Candfield, ODOT Procurement and OregonBuys

Not in attendance

- Bobbi Matthews, Port of Portland
- Collina Beard, OAME
- Debbie Rockway, AllSource Construction and Safety Supply (DBE, WBE)
- Herb Yamamoto, BIM Connection (DBE, MBE)
- Justin Moderie, Statewide Project Delivery
- Maria Ellis, Office of Social Equity
- Monica Leal, Global Transportation Engineering (DBE, MBE, WBE)
- Rene Christianson, High Point Construction (DBE, WSM)
- Stephanie Serpico, HDR
- Trisha Cauthorn, Corpac Construction (DBE, MBE, WBE)

Project team

- Angela Crain, OECR Manager
- Brett Houghton, PRR Facilitator
- Diponker Mukherjee, OECR DBE Program Manager
- Erika McCalpine, OECR Assistant Director
- Hayley Nolan, PRR Committee Support
- Malika Klingler, PRR Facilitator

Meeting goals

- Advisory committee members engage across disciplines to thoroughly explore barriers and recommendations.
- Advisory committee members provide clear feedback to inform next steps on recommendations.

Meeting notes

The DBE Advisory Committee met for a full group meeting on Wednesday, January 11, 2023. The meeting including all committee members: DBE firms, industry partners, prime firms, and technical advisors. Most of the meeting time was spent in small group conversations focusing on the draft barrier and recommendation papers.

Welcome and updates

- Angela Crain, OCR Manager, shared an update about the OCR team. Catherine Biscoe, OCR Small Business Programs Manager, is no longer the point of contact for the committee. Angela and Diponker are now the contacts.
- Erika McCalpine introduced herself to the committee. Erika shared that ODOT's Office of Civil Rights (OCR) is merging with the Office of Social Equity to be the Office of Equity and Civil Rights (OECR). Erika is the new OECR Assistant Director. The work of the DBE Advisory Committee is within OECR.
- Brett Houghton introduced two new PRR team members that joined since the last full group meeting. Hayley Nolan will provide meeting and logistical support to the committee, and Malika Klingler will co-facilitate meetings with Brett.
- Brett reviewed the meeting goals, agenda, and advisory committee progress to date.

Small group conversations

- The full group split into six small groups for focused conversations on the barriers. Representatives from all committee perspectives – DBEs, prime firms, industry partners, and technical advisors – were included in each group.
- Facilitators provided prompts and took notes during the conversations. Facilitators reported out and key takeaways from small group conversations.

Action items and next steps

- One of the committee's technical advisors agreed to find out more about flexibility of insurance requirements before the next meeting.

- Next meeting is a small-group meeting on Wednesday, February 8. This meeting may include technical advisors.

February 2023

**Oregon Department of Transportation
Disadvantaged Business Enterprise Advisory Committee
February 8, 2023**

Meeting #5 Summary

Attendance

DBE firms

- Arti O’Brian, Advanced Government Services (DBE, MBE)
- Debbie Rockway, AllSource Construction and Safety Supply (DBE, WBE)
- James Faison, Faison Construction (DBE, MBE)
- Karisa Mata, Certified Personnel Service (DBE, WBE)
- Khang Tran, Humanus Labs (DBE, ESB, MBE)
- Lillian Stevenson, Berrien Concrete (DBE, ESB, MBE, SBE)
- Matt Calhoun, GI Junk Removal (DBE, SBD, ESB, MWBE, Veteran-owned)
- Marcela Alcantar (Kiekari Wiya), Alcantar & Associates (DBE, MBE, WBE)
- Suzanne Donaldson, Donaldson LLC (DBE, MBE, WBE)

Industry partners

- Kenyatta Trice, Business Impact NW

Technical advisors

- Holli Pick, ODOT Alternative Delivery Program Manager
- Maria Ellis, Office of Social Equity
- Melissa Candfield, ODOT Procurement and OregonBuys

Not in attendance

- Bobbi Matthews, Port of Portland, technical advisor
- Carrie Baxandall, COBID, technical advisor
- Herb Yamamoto, BIM Connection (DBE, MBE)
- Justin Moderie, Statewide Project Delivery, technical advisor
- Monica Leal, Global Transportation Engineering (DBE, MBE, WBE)
- René Christianson, High Point Construction (DBE, WSM)
- Trisha Cauthorn, Corpac Construction (DBE, MBE, WBE)

Project team

- Angela Crain, OECR Manager
- Diponker Mukherjee, OECR DBE Program Manager
- Hayley Nolan, PRR Committee Support
- Malika Klingler, PRR Facilitator

Meeting goals

- DBE firms and technical advisors agree on recommendations to bring to the full committee.
- DBE firms and technical advisors select to participate in working groups for each barrier to support ODOT staff as they develop the plan to implement recommendations.

Meeting notes

The DBE Advisory Committee met for a small group meeting on Wednesday, February 8, 2023. The meeting included only DBE firms and technical advisors. Most of the meeting time was spent using the consent process to review and refine recommendations for each of the six barriers.

Welcome

- Hayley Nolan welcomed the group, reviewed the meeting goals and agenda, and introduced barrier working groups to the committee.
- Working group activities and expectations may include:
 - Working groups will include representatives from DBE firms, technical advisors, industry partners, and prime firms. There will be one working group for each barrier. Committee members should join no more than two working groups.
 - Working groups will be active between March 9 – June 13, 2023.
 - Working group members will support ODOT in developing their work plan by providing insight and consultation, answering questions, and sharing feedback on draft materials.
 - ODOT is confirming details regarding working group expectations, guidelines, tasks, and communication. The team will share more at the next meeting on March 8.

Reviewing recommendations using the consent process

- Malika Klingler introduced the process the group would use to refine the recommendations.
- The consent process includes four rounds of questions, responses, clarifications, and consent. This allows a large group to work to reach agreement on complicated topics.
- Facilitators guided the committee through the process for each barrier. Facilitators recorded thorough notes of any requested changes, questions, and areas of disagreement.

Results of consent process

- Barrier: **Classification for Indigenous identity outside of United States**
 - Consent: No
 - Working group volunteers: N/A
 - Next steps: Need to have one-on-one conversations with key advisory committee members
- Barrier: **Difficulty obtaining task approvals**
 - Consent: Yes, with the following edit to the recommendation (in red): *Create **clear and measurable** standards and share them with contractors.*
 - Working group volunteers: Lillian Stevenson; James Faison is interested but wants more information on what the obligation includes
 - Next steps: present at March 8 meeting

- Barrier: **Challenges with open communication and access to prime agreements**
 - Consent: Yes. DBEs would like technical advisors to define penalties on prime firms
 - Working group volunteers: Pastor Matt Hennessee; James Faison
 - Next steps: Present at March 8 meeting

- Barrier: **Payment schedule and lack of prompt pay**
 - Consent: Yes
 - Working group volunteers: James Faison; Arti O'Brien; Karisa Mata; Pastor Matt Hennessee
 - Next steps: Present at March 8 meeting

- Barrier: **Low-bid contracting**
 - Consent: Yes
 - Working group volunteers: Holli Pick; Pastor Matt Hennessee recommends Javier Urenda
 - Next steps: Present at March 8 meeting

- Barrier: **Work bundled under large construction contracts**
 - Consent: Need to revisit after the following edits (in red):
 - Title: *Work bundled under large **construction** contracts*
 - Addition to recommendation: *ODOT DBE Supportive Services connects DBEs to external resources such as Professional Business Development Group (PBDG) or Government Contracting Assistance Program (GACP).*
 - Working group volunteers: Khang Tran; Melissa Canfield; Pastor Hennessee recommends Nada Maisee
 - Next steps: Present at March 8 meeting to confirm consent with changes

Action items and next steps

- One committee member requested ODOT share information about ODOT's mentor-protégé program including current guidelines and structure, who is currently enrolled in the program, and what projects they are on.
- The project team will update the recommendations based on comments from DBE firms and technical advisors.
- The project team will work with key committee members to determine next steps for the indigenous identity barrier and recommendation.
- The next meeting is a full group meeting on Wednesday, March 8. DBE firms will share draft recommendations with the full group.

March 2023

**Oregon Department of Transportation
Disadvantaged Business Enterprise Advisory Committee
March 8, 2023**

Meeting #6 Summary

Attendance

DBE firms

- Arti O’Brian, Advanced Government Services (DBE, MBE)
- James Faison, Faison Construction (DBE, MBE)
- Karisa Mata, Certified Personnel Service (DBE, WBE)
- Khang Tran, Humanus Labs (DBE, ESB, MBE)
- Lillian Stevenson, Berrien Concrete (DBE, ESB, MBE, SBE)
- Suzanne Donaldson, Donaldson LLC (DBE, MBE, WBE)

Industry partners and large firms

- Ben Hert, David Evans Associates, large firm
- Carla Jimena for Matt Hennessee, Professional Business Development Group, industry partner
- Collina Beard, Oregon Association of Minority Entrepreneurs, industry partner
- Joe Sky-Turner, Business Impact NW, industry partner
- Kenyatta Trice, Business Impact NW, industry partner
- Mario Alexander, Conference of Minority Transportation Officials, industry partner

Technical advisors

- Holli Pick, ODOT Alternative Delivery Program Manager
- Justin Moderie, Statewide Project Delivery, technical advisor
- Melissa Canfield, ODOT Procurement and OregonBuys

Project team

- Angela Crain, OECR Manager
- Brett Houghton, PRR Facilitator
- Diponker Mukherjee, OECR DBE Program Manager
- Hayley Nolan, PRR Committee Support
- Malika Klingler, PRR Facilitator

Not in attendance

- Bobbi Matthews, Port of Portland, technical advisor
- Carrie Baxandall, COBID, technical advisor
- Debbie Rockway, AllSource Construction and Safety Supply (DBE, WBE)
- Devanta Black, Kiewit, large firm
- Herb Yamamoto, BIM Connection (DBE, MBE)
- Matt Calhoun, GI Junk Removal (DBE, SBD, ESB, MWBE, Veteran-owned)

- Marcela Alcantar (Kiekari Wiya), Alcantar & Associates (DBE, MBE, WBE)
- Monica Leal, Global Transportation Engineering (DBE, MBE, WBE)
- René Christianson, High Point Construction (DBE, WSM)
- Trisha Cauthorn, Corpac Construction (DBE, MBE, WBE)

Meeting goals

- All DBE Advisory Committee members agree on recommendations to deliver to ODOT.
- Committee members understand their role in moving recommendations forward.

Meeting notes

The DBE Advisory Committee met as a full group on Wednesday, March 8, 2023. The meeting included DBE firms, technical advisors, industry partners, and large firms that often act as primes. The group followed a consent process to review and finalize recommendations for each of the six barriers prioritized at an earlier meeting.

Reviewing recommendations using the consent process

- Brett Houghton introduced the process the group would use to refine the recommendations.
- The consent process includes four rounds, one for questions, one for responses, one for clarifications, and a final round for consent. This allows a large group to work to reach agreement on complicated topics.
- Facilitators guided the committee through the process for each barrier. Facilitators recorded thorough notes of any requested changes, questions, and areas of disagreement.

Results of consent process

Barrier: Classification for Indigenous identity outside of United States	
Questions and comments	Since the last meeting, the project team met with committee members invested in this barrier and adjusted the barrier paper based on their input. These adjustments were approved by those specific committee members. The recommendation presented reflected the approved changes.
Edits	Remove ‘and access’ in the second bullet <i>Initiate a process for recognition on state funded projects that do not need to comply with FHWA DBE program rules. Ensure this definition does not compromise the rights and access of recognized sovereign nations and people who are indigenous to the USA.</i>
Consent	Yes. Suzanne Donaldson abstained.
Working group	Technical advisor: Angela Crain Members: Lillian Stevenson; Suzanne Donaldson
Barrier: Difficulty obtaining task approvals	

Questions and comments	<p>Committee members identified this barrier as a priority.</p> <p>Technical advisor acknowledged the recommendation calls for agency resources and funding for additional staff to support DBEs through the task approval process.</p>
Edits	<p>Addition to ‘cost considerations’ section in the paper: Adding additional staff comes with cost impacts to the agency.</p>
Consent	Yes.
Working group	<p>Technical advisor: Justin Moderie Members: James Faison; Karisa Mata; Kenyatta Trice; Lillian Stevenson</p>
Barrier: Challenges with open communication and access to prime agreements	
Questions and comments	<p>Committee members discussed if this barrier focused on challenges during the work phase or pursuit phase of a project. The group agreed that this is the work phase of a project.</p> <p>Technical advisor wanted clarification on what specific scoring the recommendation refers to in the second bullet: <i>Include scoring of open communication and information sharing with subcontractors in Prime Contractor Performance Evaluations.</i></p> <p>Committee members confirmed this refers to scoring of large firm performance while project work is active.</p>
Edits	<p>Additions to ‘actions’ section of paper:</p> <ul style="list-style-type: none"> • Add as a near-term action: Review WSDOT DBE program language, specifically termination clauses. • Add as near-term action: Examine how this barrier relates to barriers experienced during the pursuit phase of a project.
Consent	<p>Yes.</p> <p>Suzanne Donaldson abstained.</p>
Working group	<p>Technical advisor: Justin Moderie Members: Arti O’Brien; Collina Beard; James Faison; Kenyatta Trice; Khang Tan</p>
Barrier: Payment schedule and lack of prompt pay	
Questions and comments	<p>Committee members identified this barrier as a priority.</p>
Edits	None.
Consent	Yes.
Working group	<p>Technical advisor: Diponker Mukherjee Members: Arti O’Brien; Carrie Baxandall; James Faison; Joe Sky-Tucker; Karisa Mata; Kenyatta Trice; Matt Hennessee; Melissa Canfield</p>

Barrier: Low-bid contracting	
Questions and comments	<p>Committee members recognized that FHWA needs to be involved to implement this recommendation.</p> <p>The low-bid requirement is specific to Oregon.</p> <p>Committee member shared that this recommendation needs action before the bundled contracts barrier can be addressed.</p> <p>Committee members and project team members addressed the need to collaborate across ODOT departments and with agency partners to implement this and the other recommendations.</p>
Edits	None.
Consent	<p>Yes.</p> <p>Arti O’Brien and Karisa Mata abstained.</p>
Working group	<p>Technical advisor: Marie Wright</p> <p>Members: Ben Hert; Holli Pick; James Faison; Joe Sky-Tucker; Mario Alexander; Matt Hennessee</p>
Barrier: Access to work under bundled construction contracts	
Questions and comments	<p>The group agreed that the first bullet (below) does not address the barrier.</p> <p style="text-align: center;"><i>ODOT DBE Supportive Services connects DBEs to external resources such as Professional Business Development Group (PBDG) or Government Contracting Assistance Program (GACP).</i></p> <p>It needs to be clearer how ODOT Supportive Services will support DBEs and how they will play a main role in support – not just connecting DBEs to outside agencies for support.</p> <p>Committee member acknowledged that enforcement of the recommendation is essential. Incentivizing or penalizing firms who hold prime contracts is a key component of making real change, and this will come with cost considerations.</p>
Edits	<p>Remove the first bullet from the recommendation.</p> <p>Additions to ‘actions’ section of paper:</p> <ul style="list-style-type: none"> • Add as a near-term action: ODOT Supportive Services identifies internal and external resources for DBEs to expand their support and access. • Add as near-term action: Talk to Earl Keys about WSDOT’s efforts in unbundling contracts.
Consent	<p>Yes.</p> <p>Arti O’Brien, Collina Beard, and Carla Jimena (for Matt Hennessee) abstained.</p>

Working group	Technical advisor: Jim West Members: Ben Hert; Holli Pick; James Faison; Joe Sky-Tucker; Mario Alexander; Matt Hennessee
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Working group activities and expectations

- The team reviewed working group expectations and next steps.
 - Working groups will include representatives from DBE firms, technical advisors, industry partners, and large firms. There will be one working group for each barrier.
 - Working groups will be active between March 9 and June 13, 2023.
 - Working group members will support ODOT in developing their work plan by providing insight and consultation, answering questions, and sharing feedback on draft materials.
 - ODOT technical advisors will collaborate with the working group they are leading to identify how the group would like to engage. ODOT may invite working group members to participate through email, phone calls, or online meetings as works best for the group.
 - ODOT technical advisors will stay in contact with working group members. The first contact may be delayed as they move plans forward.
- Technical advisors for each working group will reach out to members in the coming weeks.

Action items and next steps

- Angela Crain will identify a technical advisor for the access to work under bundled construction contracts barrier – complete.
- The project team will update the recommendations and papers based on comments from committee members and will send final papers out by Wednesday, March 15.
- Project team members will follow up with DBE firm committee members who were not in attendance about working group participation.

June 2023

**Oregon Department of Transportation
Disadvantaged Business Enterprise Advisory Committee
June 14, 2023**

Meeting #7 Summary

Attendance

DBE firms

- Debbie Rockway, AllSource Construction and Safety Supply (DBE, WBE)
- James Faison, Faison Construction (DBE, MBE)
- Karisa Mata, Certified Personnel Service (DBE, WBE)
- Khang Tran, Humanus Labs (DBE, ESB, MBE)
- Lillian Stevenson, Berrien Concrete (DBE, ESB, MBE, SBE)
- Matt Calhoun, GI Junk Removal (DBE, SBD, ESB, MWBE, Veteran-owned)
- Marcela Alcantar (Kiekari Wiya), Alcantar & Associates (DBE, MBE, WBE)
- Suzanne Donaldson, Donaldson LLC (DBE, MBE, WBE)

Industry partners and large firms

- Collina Beard, Oregon Association of Minority Entrepreneurs, industry partner
- Kenyatta Trice, Business Impact NW, industry partner
- Mario Alexander, Conference of Minority Transportation Officials, industry partner
- Matt Hennessee, Professional Business Development Group, industry partner

Technical advisors

- Holli Pick, ODOT Alternative Delivery Program Manager
- Joni Sirovatka, ODOT Procurement
- Justin Moderie, ODOT Statewide Project Delivery
- Kevin Cassidy, ODOT Construction Contracting
- Marie Wright, ODOT Construction Contracting
- Summer Guthrie, ODOT Contract Services Specialist

Project team

- Angela Crain, Office of Equity and Civil Rights (OECR) Manager
- Brett Houghton, PRR Facilitator
- Diponker Mukherjee, OECR DBE Program Manager
- Hayley Nolan, PRR Committee Support
- Malika Klingler, PRR Facilitator

Not in attendance:

- Arti O'Brian, Advanced Government Services (DBE, MBE)
- Ben Hert, David Evans Associates, large firm
- Bobbi Matthews, Port of Portland, technical advisor

- Carrie Baxandall, COBID, technical advisor
- Devanta Black, Kiewit, large firm
- Joe Sky-Turner, Business Impact NW, industry partner
- Herb Yamamoto, BIM Connection (DBE, MBE)
- Melissa Canfield, ODOT Procurement and OregonBuys
- Monica Leal, Global Transportation Engineering (DBE, MBE, WBE)
- René Christianson, High Point Construction (DBE, WSM)
- Trisha Cauthorn, Corpac Construction (DBE, MBE, WBE)

Meeting goals

- DBE Advisory Committee members understand the current state of work plans for recommendations.
- Advisory Committee members understand their role and the role of technical advisors in fulfilling the work plans.
- Advisory Committee members understand what changes working groups made to recommendations.

Meeting notes

The DBE Advisory Committee met as a full group on Wednesday, June 14, 2023. The meeting included DBE firms, technical advisors, industry partners, and large firms that often act as primes. The focus of the meeting was to hear what progress technical advisors have made on work plans for implementing the committee's recommendations.

Earlier this year, ODOT identified five technical advisors to review and develop work plans for the six barriers and recommendations identified by the committee. Committee members volunteered to participate in the working groups for the topics they were interested in. Since the last full group meeting in March, committee members have been meeting with technical advisors to inform and advance work plans for the barriers and recommendations.

Angela Crain expressed gratitude to the committee for their commitment and involvement in the process. She acknowledged how crucial relationships are to creating change within ODOT.

Technical advisor presentations

Classification for Indigenous origins from countries in North, Central, and South America

Technical advisor: Angela Crain

Working group members: Marcela Alcantar; Collina Beard; Suzanne Donaldson; Lillian Stevenson

- The working group updated title from Classification for Indigenous identity outside of United States to Classification for Indigenous **origins from countries in North, Central, and South America**.
- Next, the group will schedule a meeting in June or July to outline upcoming milestones, actions, and next steps.

Difficulty obtaining task approvals

Technical advisor: Justin Moderie

Working group members: James Faison; Karisa Mata; Lillian Stevenson; Kenyatta Trice; Marcela Alcantar

- The working group did not meet as a full group between March and June.
- The group plans to discuss how to increase awareness of existing tools related to the task approval process that are available to DBEs and how the new platform AASHTOWare may support efforts related to this barrier.
- Marcela Alcantar expressed interest in participating in the working group for this topic.
- Next, the group will identify a time and forum that will support working group participation.

Challenges with open communication and access to prime agreements

Technical advisor: Justin Moderie

Working group members: Collina Beard; René Christianson; James Faison; Arti O'Brien; Khang Tran; Kenyatta Trice

- The working group did not meet as a full group between March and June.
- The group plans to discuss the specifics of the barrier, both improving DBE access to information and education around how to access information.
- Next, the group will identify a time and forum that will support working group participation.

Payment schedule and lack of prompt pay

Technical advisors: Diponker Mukherjee and Summer Guthrie

Working group members: Carrie Baxandall; René Christianson; Arti O'Brien; James Faison; Matt Hennessee; Karisa Mata; Joe Sky-Tucker; Kenyatta Trice

- The working group believes that the implementation of AASHTOWare, planned for October 2023, may improve many aspects of this barrier for DBEs.
- ODOT is working to approve Advance Allowance, which would provide quick payment (minimum payment of \$5,000) for completed work. The technical advisors will share more about this as soon as possible.
- Next, the group will continue developing a work plan for the recommendations.

Low-bid contracting

Technical advisors: Kevin Cassidy and Marie Wright

Working group members: Mario Alexander; Carrie Baxandall; James Faison; Matt Hennessee; Ben Hert; Holli Pick; Joe Sky-Tucker

- Marie shared that Kevin Cassidy will be taking over her role on the committee, including her role as technical advisor for this barrier, from here on. Marie will stay involved through July.
- The working group added recommendations to:
 - Develop survey or use disparity study data to ascertain specifics about low bid barriers in ODOT contracting opportunities to target our efforts for meaningful outcomes.
 - Develop a class regarding bonding and insurance.
 - Develop a sample bid booklet as an example for responsive submittal.
- One DBE committee member asked the technical advisors to take responsibility for more efforts instead of focusing on what DBE firms need to do differently.

- Next, the group will continue developing a work plan for the recommendations.

Access to work under bundled Architectural & Engineering (A&E) and construction contracts

Technical advisor: Jim West

Working group members: Carrie Baxandall; Melissa Canfield; Matt Hennessee; Ben Hert; Joe Sky-Tucker; Lillian Stevenson; Khang Tran; Kenyatta Trice

- The working group updated the title to include Architectural & Engineering (A&E) contracts
 - The committee consented to this change.
- The working group also requested to further clarify the barrier paper to include these two paragraphs:
 - *Bundling by ODOT of multiple projects together or including multiple areas of expertise in a project are barriers for DBE firms.*
 - *Conversely, unbundling work by the prime during design or construction are also barriers for DBE firms.*
 - Committee members engaged in conversation around the use of ‘unbundling’ in the second paragraph and how the conflicts with the larger effort to unbundle contracts.
 - The committee determined that Jim West would bring this language back to the working group to further refine and make sure it aligns with larger goals and recommendations related to this topic.
- Marie Wright acknowledged that unbundling work during the design or construction phase is also something the Low-bid contracting group is working to address. Marie and Jim agreed to coordinate efforts related to this topic.

Action items and next steps

- Technical advisors will continue to develop and refine work plans with the support of working groups.
- Technical advisors present work plans at the final DBE Advisory Committee meeting on July 12.
- DBE firms are invited to [complete this form](#) if they want to be featured in a DBE highlight on ODOT social media.

July 2023

**Oregon Department of Transportation
Disadvantaged Business Enterprise Advisory Committee
July 12, 2023**

Meeting #8 Summary

Attendance

DBE firms

- James Faison, Faison Construction (DBE, MBE)
- Khang Tran, Humanus Labs (DBE, ESB, MBE)
- Lillian Stevenson, Berrien Concrete (DBE, ESB, MBE, SBE)
- Marcela Alcantar (Kiekari Wiya), Alcantar & Associates (DBE, MBE, WBE)
- Matt Calhoun, GI Junk Removal (DBE, SBD, ESB, MWBE, Veteran-owned)

Industry partners and large firms

- Joe Sky-Tucker, Business Impact NW, industry partner
- Kenyatta Trice, Business Impact NW, industry partner

Technical advisors

- Carrie Baxandall, COBID, technical advisor
- Holli Pick, ODOT Alternative Delivery Program Manager
- Jim West, ODOT Project Delivery Manager
- Joni Sirovatka, ODOT Procurement
- Justin Moderie, ODOT Statewide Project Delivery
- Kevin Cassidy, ODOT Construction Contracting
- Marie Wright, ODOT Construction Contracting
- Melissa Canfield, ODOT Procurement and OregonBuys
- Summer Guthrie, ODOT Contract Services Specialist

Project team

- Andres Endericavillacis, ODOT Small Business Programs Navigator
- Angela Crain, Office of Equity and Civil Rights (OECR) Manager
- Brett Houghton, PRR Facilitator
- Caty Lucas, ODOT Small Business Programs Navigator
- Diponker Mukherjee, OECR DBE Program Manager
- Emma Dorazio, PRR Committee Support
- Malika Klingler, PRR Facilitator

Not in attendance:

- Arti O'Brian, Advanced Government Services (DBE, MBE)
- Ben Hert, David Evans Associates, large firm
- Bobbi Matthews, Port of Portland, technical advisor

- Collina Beard, Oregon Association of Minority Entrepreneurs, industry partner
- Debbie Rockway, AllSource Construction and Safety Supply (DBE, WBE)
- Devanta Black, Kiewit, large firm
- Herb Yamamoto, BIM Connection (DBE, MBE)
- Karisa Mata, Certified Personnel Service (DBE, WBE)
- Mario Alexander, Conference of Minority Transportation Officials, industry partner
- Matt Hennessee, Professional Business Development Group, industry partner
- Monica Leal, Global Transportation Engineering (DBE, MBE, WBE)
- René Christianson, High Point Construction (DBE, WSM)
- Suzanne Donaldson, Donaldson LLC (DBE, MBE, WBE)
- Trisha Cauthorn, Corpac Construction (DBE, MBE, WBE)

Meeting goals

1. DBE Advisory Committee members understand their roles and the next steps for working groups and the advisory committee.
2. Celebrate the work the committee has accomplished!

Meeting notes

The DBE Advisory Committee met as a full group on Wednesday, July 14, 2023. The meeting included DBE firms, technical advisors, industry partners, and large firms that often act as primes. The focus of the meeting was to share next steps and celebrate the work accomplished over the course of the eight advisory committee meetings in 2022 and 2023.

Advisory committee accomplishments

Brett Houghton highlighted the outcomes of the advisory group process. Over the course of the eight meetings, advisory committee members achieved the following accomplishments:

- Prioritized six barriers that advisory committee members who are DBEs experience when contracting with ODOT
- Developed thorough recommendations for six barriers
- Convened working groups to advise on and move recommendations forward
- Developed workplans to implement the recommendations

Technical advisor presentation

Payment schedule and lack of prompt pay

Technical advisors: Diponker Mukherjee and Summer Guthrie

Working group members: Carrie Baxandall; René Christianson; Arti O'Brien; James Faison; Matt Hennessee; Karisa Mata; Joe Sky-Tucker; Kenyatta Trice

Diponker Mukherjee and Summer Guthrie presented content related to the payment schedule and lack of prompt pay barriers. The group ran out of time at the June meeting, and this content was not presented then. Summer provided an overview of AASHTOWare (AWP) and Advance Allowance, two initiatives ODOT is investigating as potential resolutions for the lack of prompt pay.

AWP is a data management system that will work with Doc Express to track and report data, allowing subcontractors to be better informed about and more involved with contract payments. After implementation, ODOT will produce a monthly prompt payment report to monitor compliance and will take further action if compliance issues are present in the data.

The Pre-Construction and Civil Rights modules of AWP are already in use and ODOT anticipates implementation of the AWP Construction and Materials module in October 2023. If implementation remains on schedule, ODOT will incorporate AWP specifications in contracts bidding in or after September 2023. ODOT will offer training for all users.

Summer also shared an overview of the draft concept specification for advance allowance for subcontracted work:

- The Engineer may authorize advance allowance for completed subcontracted work when certain conditions are met

- If the Engineer determines that all conditions are satisfied, advance allowance meeting specification can be issued
- There are some limitations on advance allowance

Discussion

- James Faison noted that the City of Portland pays their consultants for completed work every two weeks and suggested ODOT consider this regularity once improvements are in place.
- Marcela Alcantar shared that, while she appreciates the intention of more frequent pay at the City, the process can be delayed during invoicing, resulting in the same or lesser frequency of pay as other agencies.
- Lillian Stevenson asked whether users with prime and sub roles will be able to view itemized payment receipts with dates using AWP. The project team will follow up with Lillian to share whether these items are available for users with these distinct roles.

Next steps for the DBE Advisory Committee

The 2023 – 2024 cohort will continue working on the current six barriers. ODOT is inviting current members to continue contributing to the work by attending monthly working group meetings and quarterly advisory committee meetings.

Future cohorts will focus on no more than two barriers per year, bringing technical advisors into the conversation early in the process.

The contract with PRR will conclude at the end of July and advisory group leadership will transition to ODOT Small Business Programs Navigators, Andres Endericavillacis and Caty Lucas. Andres and Lucas introduced themselves before Malika Klingler invited questions from the advisory committee members.

Discussion

- Marcela Alcantar shared appreciation for the introductions presented by Caty and Andres.
- James Faison echoed Marcela’s appreciation.
- Lillian Stevenson shared approval of the transition plan, specifically the goal to address two barriers per year in future cohorts. Lillian mentioned having faith in ODOT’s intention to enact change.
- Joe Sky-Tucker commented that, while he supports the plan, he sees very few accountability measures. Joe would like ODOT to move from disparity studies to making substantive changes to address substantive problems with accountability measures to ensure the work moves forward.
- James supported Joe’s comment, noting that ODOT should establish a quick moving timeline and identify pathways for management to support this work.
- Kenyatta Trice echoed the comments from Joe and James, sharing support for an established timeline and accountability measures.
- Kenyatta asked the project team to reiterate the transition plan. PRR will support Andres and Caty through the transition to ensure it is as smooth as possible for the committee members and the continuation of their work.
- Jim West asked whether committee members had received updates on legislative action to carve out work for DBE firms. Angela Crain noted that this legislation passed, in addition to funding for additional positions to support DBE programs. Jim West expressed interest in learning about which projects might be allocated to DBE firms because of this legislation.

- James asked ODOT to clearly define who qualifies for this program to inform DBE owners as they identify bid-opportunities.
- Lillian Stevenson requested an updated database of committee member contacts with information about who engages in which working groups.
- Khang Tran asked whether ODOT is planning to compile the work done in this cohort into a report to showcase the committee’s accomplishments and celebrate the project milestone. PRR and ODOT are currently developing a report to detail the committee process, membership, barriers identified over the course of the meetings, and the recommendations developed by working groups.
- Kevin Cassidy asked about the timeline of next steps. Andres and Caty will meet with committee members individually before the working groups and advisory committee reconvene in late summer.

Appreciation

Malika Klingler invited advisory committee members to share appreciation for one another and the work accomplished over the course of the advisory committee process.

Next steps

- Caty and Andres will follow up with committee members
- Break in August
- Next meeting in September
- Working groups September and October
- Full committee meets again in November

Action items

- Summer will follow up with Lillian to share whether users with prime and sub roles will be able to view itemized payment receipts with dates using AWP.
- Andres or Caty will provide an updated list of committee member contacts, including working group membership.
- Angela will share the final report with the committee in early August.

The meeting was adjourned at 10:00 a.m.

Appendix E: Barriers to DBE firms prioritized by the Advisory Committee

- 1. Classification for Indigenous origins from countries in North, Central, and South America**
- 2. Difficulty obtaining task approvals**
- 3. Challenges with open communication and access to prime agreements**
- 4. Payment schedule and lack of prompt pay**
- 5. Low-bid contracting**
- 6. Access to work under bundled Architectural & Engineering (A&E) and construction contracts**

Included in the following appendices are working group rosters, barrier and recommendation papers, and work plans for each of the above barriers.

Appendix E.1: Classification for Indigenous origins from countries in North, Central, and South America – Working group

Barrier	Technical advisor	Working group members
Classification for Indigenous identity outside of United States	Angela Crain	Lillian Stevenson; Collina Beard; Marcela Alcantar; Suzanne Donaldson

Appendix E.1a: Classification for Indigenous origins from countries in North, Central, and South America – Barrier and recommendation paper

Barrier: Classification for Indigenous origins from countries in North, Central, and South America	
Barrier overview	<p>There is not an identity classification for DBEs for people who are indigenous to the Americas and to a place that is not the United States. The current Native American classification only considers tribes recognized by the US government. This results in individuals who are native to other countries in North, Central, and South America being included in inaccurate identity categories, including Hispanic.</p> <p>This barrier has been raised by a DBE owner for many years. ODOT has asked FHWA about it and has not had success in removing this barrier.</p>
Impact on DBE firms	<p>This barrier impacts disadvantaged business enterprises owned by those who are indigenous to countries in the Americas other than the U.S. It groups them incorrectly with other identity classifications.</p>
Past or current ODOT actions to address this barrier	<ul style="list-style-type: none"> ▪ Collaboration with Federal Highway Administration (FHWA)
Potential structural issues or conflicts	<ul style="list-style-type: none"> ▪ Any path forward to acknowledge people who are indigenous to places in the Americas not including the US needs to not displace the recognition of people who are members of federally recognized tribes in the US and the responsibility of US and state governments related to the specific harms they did to people who are indigenous to the geographic area of what is now the United States. ODOT and FHWA need to consider how any solution intersects with recognized sovereign nations. ▪ Currently Native Americans have to prove they are part of recognized nations.

Barrier: Classification for Indigenous origins from countries in North, Central, and South America

	<ul style="list-style-type: none"> ▪ The U.S. Census, FHWA and the Office of Management and Budget (OMB) define indigenous as a racial categorization that includes American Indian or Alaska Native as a person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment. Based on this definition, the DBE Advisory Committee needs to identify if there is indeed a barrier to address beyond recommending that the FHWA follow the definition and standards of OMB and the Census Bureau. ▪ Some definitions of Indigenous focus on racial identity and some on ethnic identity. ▪ Coordination with other agencies is dependent on recommendations from FHWA. ▪ This could lead to other requests to further specify identity classifications by country of origin. ▪ There are potential future issues to address related to certification by race or ethnicity. ▪ Want ODOT to pursue both recommendations, not one at the expense of the other. 	
Agency partners in addressing barrier	<ul style="list-style-type: none"> ▪ FHWA ▪ Other federal bodies, including the Office of Management and Budget, Census Bureau; Small Business Administration; and Department of Commerce. 	
Recommendation	<ul style="list-style-type: none"> ▪ Make recommendations to FHWA that they apply the racial definition of indigenous used by the Census Bureau and OMB. Specifically, request expansion of the current classification to include individuals native to North, Central, and South America. Ensure this definition does not compromise the rights and access of recognized sovereign nations and people who are indigenous to the USA. ▪ Initiate a process for recognition on state funded projects that do not need to comply with FHWA DBE program rules. Ensure this definition does not compromise the rights of recognized sovereign nations and people who are indigenous to the USA. 	
Advisory Committee consent	[Yes/No]	
Actions	Near-term	<ul style="list-style-type: none"> ▪ Develop position letter to FHWA. ▪ Explore opportunities to include this identity classification in other state programs.

Barrier: Classification for Indigenous origins from countries in North, Central, and South America		
		<ul style="list-style-type: none"> ▪ Explore the Port of Seattle model that looks at intersectional identities as a model.
	Longer-term	Continue coordination with FHWA on this matter.
Cost considerations	No costs anticipated.	
Outcomes of implementing recommendation	<ul style="list-style-type: none"> • Efforts to increase inclusion will potentially lead to an increase in DBE involvement and contractor diversity. • Potential to result in increased competition between DBEs and small businesses and further dilution to the opportunity pool of available work. 	

Classification for Indigenous origins from countries in North, Central, and South America
– Draft work plan not complete.

Appendix E.2: Difficulty obtaining task approvals – Working group

Barrier	Technical advisor	Working group members
Difficulty obtaining task approvals	Justin Moderie	James Faison; Lillian Stevenson; Karisa Mata; Kenyatta Trice

Appendix E.2a: Difficulty obtaining task approvals – Barrier and recommendation paper

Barrier: Difficulty obtaining task approvals	
Barrier overview	<p>There is inconsistency in the task approval process within ODOT. DBE firms experience a lack of a standardized process which creates varying levels of ease in obtaining approvals depending on subjective judgement or interpretation. Individual ODOT inspectors have final say without clear guidelines for their rejection or approval making. This creates a dependency by DBE firms on inspectors' individual, subjective assessments.</p> <p>This barrier has been identified in previous bodies of work, including the 2022 Disparity Study. Inconsistency in the task approval process is a system-wide issue that impacts both DBEs and non-DBEs.</p>
Impact on DBE firms	<p>With no recognized process for task approvals, DBE firms, particularly newly established ones who are less familiar with individual inspectors and a nuanced approvals process, are less likely to get timely approvals on project tasks. This applies to approval of both physical work and administrative paperwork.</p> <p>This barrier can result in approvals being delayed or withheld, impacting the timing of payments and causing cash flow problems for small firms. This barrier is closely related to inconsistency in prompt pay and can be the factor that determine whether a DBE firm survives.</p>
Past or current ODOT actions to address this barrier	<p>OECR is unaware of any past or current actions to address this barrier. OECR is confirming with ODOT's Construction Section if they have done any work to address this barrier.</p>
Potential structural issues or conflicts	<p>Simplifying the task approval process will require coordinating with the Construction Section as well as other departments associated with the task approval process and may be time intensive.</p>
Agency partners in addressing barrier	<ul style="list-style-type: none"> • ODOT Construction Section • Other relevant departments

Barrier: Difficulty obtaining task approvals

Recommendation	<ul style="list-style-type: none"> ▪ Create clear and measurable standards and share them with contractors. ▪ Incorporate training and accountability for inspectors. Identify specific pathways for holding inspectors accountable. ▪ Coordinate with ODOT Construction Section to include recommendation that subcontractors be included in inspector meetings with primes to avoid decision-making happening without subcontractor awareness or involvement. Implement a program or channel for DBEs to raise issues or concerns that they're experiencing. ▪ Address barrier as a systemic issue within the Construction Section that impacts all contractors and subcontractors. ▪ Consider a task approval department with dedicated capacity to maintain the task approval process and support DBEs through it. 	
Advisory Committee consent	Yes	
Actions	Near-term	<ul style="list-style-type: none"> ▪ Include DBE perspective and recommendations in the inspector certification trainings happening in early 2023. ▪ Collect data to quantify impact on DBE firms. ▪ Review if there's a possibility to implement a program similar to the Partial Payments Initiative.
	Longer-term	<ul style="list-style-type: none"> ▪ Formalize the task approvals process with guidance document that is shared with primes and subcontractors. ▪ Provide continuing education on process documentation and standards for all contractors and subcontractors.
Cost considerations	New possible software or information technology costs associated with a new standardized, multi-department task approval process. Adding additional staff comes with cost impacts to the agency.	
Outcomes of implementing recommendation	A transparent approvals process will result in greater awareness by DBE firms of the steps necessary in obtaining approvals; ultimately the result will be more timely payments for completed bid item tasks.	

Difficulty obtaining task approvals – Draft work plan not complete.

Appendix E.3: Challenges with open communication and access to prime agreements – Working group

Barrier	Technical advisor	Working group members
Challenges with open communication and access to prime agreements	Justin Moderie	James Faison; Arti O'Brien; Collina Beard; Kenyatta Trice; Khang Tran; Rene Christianson

Appendix E.3a: Challenges with open communication and access to prime agreements – Barrier and recommendation paper

Barrier: Challenges with open communication and access to prime agreements	
Barrier overview	<p>DBE firms have limited access to prime contractor agreements or project management platforms, resulting in insufficient information about expectations, performance standards, payment schedules, and support requirements.</p> <p>This barrier has been identified in previous bodies of work, including the 2022 Disparity Study and the ODOT BIPOC Contracting Expansion Anti-Oppression Barriers Analysis.</p>
Impact on DBE firms	<ul style="list-style-type: none"> ▪ DBE firms experience insufficient and inconsistent access to information related to prime contractor agreements with ODOT, resulting in DBE firms having inadequate information to manage and deliver their project tasks. This leads to increased risk for both primes and subcontractors in meeting key deliverables. ▪ DBE firms do not regularly have access to project management and document sharing platforms, like DocExpress and SharePoint, which makes DBEs rely on prime contractors to share critical information. This may result in DBE firms having incomplete information, putting their payments and contracts at risk.
Past or current ODOT actions to address this barrier	For discussion.
Potential structural issues or conflicts	<ul style="list-style-type: none"> ▪ Prime firms each have their own internal practices and procedures so enforcement will be different for every large firm that primes a project. ▪ It is difficult for ODOT to enforce standardized information sharing.
Agency partners in addressing barrier	<ul style="list-style-type: none"> ▪ ODOT Procurement ▪ ODOT Project Manager ▪ ODOT Construction Section ▪ ODOT OECR

Barrier: Challenges with open communication and access to prime agreements

<p>Recommendation</p>	<p>Establish and communicate to DBEs standardized expectations that all prime contractors need to adhere to regarding information sharing with subcontractors. Include these expectations in all contracts between ODOT, primes, and subcontractors. Specifically:</p> <ul style="list-style-type: none"> ▪ Require all DBE contracts to include language that subcontractors will have access to the prime contract. ▪ Include scoring of open communication and information sharing with subcontractors in Prime Contractor Performance Evaluations. ▪ Require prime contractors to include DBEs in pre-construction meetings and weekly project coordination meetings. ▪ Commit to holding prime contractors accountable and enforce compliance to DBE program standards. Establish penalties on prime firms for not adhering to information sharing expectations. 	
<p>Advisory Committee consent</p>	<p>Yes</p>	
<p>Actions</p>	<p>Near-term</p>	<ul style="list-style-type: none"> ▪ Review WSDOT DBE program language, specifically termination clauses. ▪ Provide access to prime contractors through all project tracking and document sharing systems. ▪ Improved coordination between ODOT departments to improve access. ▪ Work with prime contractors to identify and agree on what information or sections of the contract are critical to share with DBEs and subcontractors. ▪ Identify what consequences will incentivize prime firms to comply with updated expectations. ▪ ODOT confirms they are engaging existing legal remedies where they exist. ▪ Examine how this barrier relates to barriers experienced during the pursuit phase of a project.
	<p>Longer-term</p>	<p>Develop language to be included in all contracts, with the requirement that prime contractors include this language in their subcontracts.</p>

Barrier: Challenges with open communication and access to prime agreements	
Cost considerations	No anticipated costs.
Outcomes of implementing recommendation	Greater access to information, including ODOT contracting expectations, schedules and deliverables, will provide DBE subcontractors with more reliable information about the project and ODOT's expectations. This will lead to improved levels of success on the project and increase DBE firms' understanding of the processes and requirements which can inform their long-term business planning.

Challenges with open communication and access to prime agreements – Draft work plan not complete.

Appendix E.4: Payment schedule and lack of prompt pay – Working group

Barrier	Technical advisor	Working group members
Payment schedule and lack of prompt pay	Diponker Mukherjee	Arti O’Brien; Karisa Mata; James Faison; Matt Hennessee; Joe Sky-Tucker; Kenyatta Trice; Carrie Baxandall; Rene Christianson

Appendix E.4a: Payment schedule and lack of prompt pay – Barrier and recommendation paper

Barrier: Payment schedule and lack of prompt pay	
Barrier overview	<p>DBE firms are at a disadvantage when prompt pay schedules, which ensure that ODOT and prime firms pay their (sub)contracts within 10 calendar days of satisfactory work being completed, are not enforced.</p> <p>This barrier has been identified in previous bodies of work, including the 2022 Disparity Study and the ODOT BIPOC Contracting Expansion Anti-Oppression Barriers Analysis.</p>
Impact on DBE firms	<p>DBE firms are often small and have cash flow limitations. The lack of prompt payment to contractors by both ODOT and prime firms to whom DBEs subcontract to, despite guidance from ODOT to do so, puts these firms at an economic disadvantage. The absence of prompt pay can result in challenges to balancing accounts, planning for hours, labor and materials, and administering payroll.</p>
Past or current ODOT actions to address this barrier	<ul style="list-style-type: none"> ▪ ODOT ceased withholding retainage on all projects advertised after January 1, 2020. ▪ Primes complete a form that defines payment dates.
Potential structural issues or conflicts	<p>ODOT has limited ability to enforce prime’s subcontractor requirements.</p>
Agency partners in addressing barrier	<ul style="list-style-type: none"> ▪ ODOT Procurement ▪ ODOT Project Manager ▪ ODOT Resident Engineer ▪ Construction Section
Recommendation	<ul style="list-style-type: none"> ▪ Implement both short-term and long-term project systems that track and report project payments made by ODOT and its prime firms to (sub)contractors and assess penalties for late payments. Reinforce use of systems that allow DBE firms to monitor payments. ▪ ODOT commits to checking with DBE firms about how the system is working for them within three months after AASHTOWare implementation.

Barrier: Payment schedule and lack of prompt pay

	<ul style="list-style-type: none"> ▪ Make invoices subcontractors submit to primes visible to ODOT. ▪ Add ODOT point-of-contact for DBEs to every contract and shift the follow-up with the prime from the DBE to the ODOT point-of-contact. ▪ Provide a payment option other than pay-when-paid. ▪ Include the topic of payments in pre-construction meeting and status check meetings that include the prime, sub(s), and construction inspector. 	
Advisory Committee consent	Yes	
Actions	Near-term	<ul style="list-style-type: none"> ▪ New database, AASHTOWare, implementation in October 2023, will provide notification when firms are not adhering to prompt payment. ▪ Continue work with other ODOT departments to implement prompt payment to subcontractors in 10 days from the date a prime receives payment from ODOT.
	Longer-term	<ul style="list-style-type: none"> ▪ Implement long term AASHTOWare use. ▪ Change in contracting and payment monitoring systems so that subcontractors are part of payment schedules and processing documentation.
Cost considerations	No cost anticipated.	
Outcomes of implementing recommendation	Implementing systems that track and report project payments made by ODOT and its prime firms to (sub)contractors, along with penalties for late payments, will ensure that DBE firms are paid in a timely manner, thus helping to ensure economic viability of these firms.	

Appendix E.4b: Payment schedule and lack of prompt pay – Draft work plan

Barrier 4: Payment schedule and lack of prompt pay, Recommendation 1				
Implement both short term and long-term project systems that track and report project payments made by ODOT and its prime firms to (sub)contractors and assess penalties for late payments. Reinforce use of systems that allow DBE firms to monitor payments.				
Plan Components	Step 1: Roles and Responsibilities List team members, their roles, and responsibilities	Step 2: Activities and Milestones List activities & outputs/milestones	Step 3: Other Potential Partners List other agencies or individuals that may be involved	Step 4: Timelines and Duration Identify timelines for each action and activity
Action 1: According to feedback from DBEs at 5/19/23 meeting, publicize to both prime and subcontractors about the existing prompt payment specifications requiring subs to be paid within 10 days from the date a prime receives payment from ODOT.	-Diponker Mukherjee - SME - DBE/OECR -Adriane McKinney - SME - ODOT Web Team -Kevin Cassidy - SME - OPO -Summer Guthrie - SME - CAU	* Work with ODOT web team to develop an additional OECR "Resources" website (link to it from OECR and CAU webpages, others?) *Plan for publicizing the website once created.	ODOT Contract Administration Unit (CAU) ODOT Office of Equity and Civil Rights (OECR)	6 months
Action 2: According to 5/19/23 DBE suggestion, provide education and resources for primes and subs on a variety of issues related to payment and subcontracting.	-Diponker Mukherjee - SME - DBE/OECR -Adriane McKinney - SME - ODOT Web Team -Kevin Cassidy - SME - OPO -Summer Guthrie - SME - CAU	Suggestions for including on the proposed OECR "Resources" website: *Best practices for successful subcontracting (keeping in mind the subcontract relationship is between prime and subs). *Develop and provide a list of commonly required forms and documents subs must submit to qualify for payment.	OECR Small Business Navigators OECR Field Coordinators Department of Justice (DOJ) ODOT Contract Administration ODOT Procurement Office (OPO) ODOT eConstruction & AASHTOWare (AWP) System Administration Team OECR Web Page Owners	6 months

Barrier 4: Payment schedule and lack of prompt pay, Recommendation 1				
Implement both short term and long-term project systems that track and report project payments made by ODOT and its prime firms to (sub)contractors and assess penalties for late payments. Reinforce use of systems that allow DBE firms to monitor payments.				
Plan Components	Step 1: Roles and Responsibilities List team members, their roles, and responsibilities	Step 2: Activities and Milestones List activities & outputs/milestones	Step 3: Other Potential Partners List other agencies or individuals that may be involved	Step 4: Timelines and Duration Identify timelines for each action and activity
		<p>*Where subs can find information pertinent to payment in ODOT's Electronic Document Management System (EDMS; and possibly other places, for example, the Construction Contracts Status Report).</p> <p>*How subs can find out about the Pre-Construction meetings for contracts.</p> <p>*How subs can get access to ODOT's EDMS and where to access the Contract Documents in ODOT's EDMS (dependent on Recommendation 5, Action 5).</p> <p>*How subs can access or request the prime's contract with OPO.</p> <p>*Who subs can reach out to for help related to prompt payments on their</p>		

Barrier 4: Payment schedule and lack of prompt pay, Recommendation 1				
Implement both short term and long-term project systems that track and report project payments made by ODOT and its prime firms to (sub)contractors and assess penalties for late payments. Reinforce use of systems that allow DBE firms to monitor payments.				
Plan Components	Step 1: Roles and Responsibilities List team members, their roles, and responsibilities	Step 2: Activities and Milestones List activities & outputs/milestones	Step 3: Other Potential Partners List other agencies or individuals that may be involved	Step 4: Timelines and Duration Identify timelines for each action and activity
		subcontracts. * 12 month schedule of upcoming projects.		
Action 3: Investigate this recommendation's suggestion of the possibility of ODOT assessment of penalties to the primes for late payments to subs.	Summer Guthrie will consult with the Contract Administration Engineer and State Construction Materials Engineer.		Industry ODOT Management Federal Highway Administration (FHWA) DOJ	After consultation within Contract Administration, it appears this suggestion is essentially recommending liquidated damages. Assessment of liquidated damages must be supported by monetary damage (cost) to the Agency or the traveling public. This scenario does not meet those criteria. 00170.10 addresses Required Payments by Contractors and, under subsection (d), includes the following language and remedy "The Agency has no obligation to pay these Entities, and ODOT will not normally do so, but will refer them to the Contractor and the Contractor's Surety."

Barrier 4: Payment schedule and lack of prompt pay, Recommendation 1				
Implement both short term and long-term project systems that track and report project payments made by ODOT and its prime firms to (sub)contractors and assess penalties for late payments. Reinforce use of systems that allow DBE firms to monitor payments.				
Plan Components	Step 1: Roles and Responsibilities List team members, their roles, and responsibilities	Step 2: Activities and Milestones List activities & outputs/milestones	Step 3: Other Potential Partners List other agencies or individuals that may be involved	Step 4: Timelines and Duration Identify timelines for each action and activity
				Any changes to the part 00100's of the specifications require DOJ approval. Additional discussion of this item should involve DOJ and ODOT management. The Subcontract is where the enforceable terms exist to protect the subcontractor's interests.
Action 4: Investigate 5/19/23 DBE suggestion that ODOT consult with WSDOT regarding programs and tools they have implemented to improve prompt payment.	Diponker Mukherjee - SME - OECR	TBD	Other state agencies	TBD
Action 5: According to this recommendation's suggestion, implement systems to be able to track and report contract payments.	-Diponker Mukherjee - SME - DBE/OECR -James Myers - SME - OECR Reporting -Summer Guthrie - SME - CAU	* Work with AWP Team to ensure adequate and accessible prompt payment reporting and analysis is available from ODOT's data systems, including AWP.		Data should be available to report out of AASHTOWare by January 2024. This data will be limited to the few contracts let toward the end of 2023 which will have the AWP specifications included, and there will only be potentially one or two payment cycles worth of information in AWP by

Barrier 4: Payment schedule and lack of prompt pay, Recommendation 1				
Implement both short term and long-term project systems that track and report project payments made by ODOT and its prime firms to (sub)contractors and assess penalties for late payments. Reinforce use of systems that allow DBE firms to monitor payments.				
Plan Components	Step 1: Roles and Responsibilities List team members, their roles, and responsibilities	Step 2: Activities and Milestones List activities & outputs/milestones	Step 3: Other Potential Partners List other agencies or individuals that may be involved	Step 4: Timelines and Duration Identify timelines for each action and activity
				<p>January of 2024, assuming implementation of AWP continues on schedule.</p> <p>Reports for the initial implementation of AWP are close to being finalized. Any additional reporting desired would need to go through the process for request, approval, and then development - at this time unable to speak to the possible timeline on this item. However, reporting using data from AWP will be possible using ODOT's other data querying systems, such as PowerBI.</p>

Barrier 4: Payment schedule and lack of prompt pay, Recommendation 2				
ODOT commits to checking with DBE firms about how the system is working for them within three months after AASHTOWare implementation.				
Plan Components	Step 1: Roles and Responsibilities List team members, their roles, and responsibilities	Step 2: Activities and Milestones List activities & outputs/milestones	Step 3: Other Potential Partners List other agencies or individuals that may be involved	Step 4: Timelines and Duration Identify timelines for each action and activity
Action 1: Implement long term AASHTOWare (AWP) use.	ODOT eConstruction & AWP Team	Program launch for Construction and Materials modules currently scheduled for October 2023	ODOT Office of Equity and Civil Rights (OECR; has been using AWP already)	AWP implementation date will be confirmed or delayed by end of June 2023 based on the results of recent system testing which are currently being analyzed by ODOT.
Action 2: According to this recommendation's suggestion, ODOT will check with DBE subcontractors to see how the AWP system is working for them, specifically regarding prompt payment.	OECR Small Business Navigators OECR Field Coordinators	*Primes and Subs will begin entering data in AWP upon implementation for projects let with the AWP specifications in the Contract (currently predicted to be contracts bid sometime in or after September 2023) *What is currently intended to be monthly prompt payment reporting will only be able to be generated from the system after at least one payment cycle is complete in AWP (dependent on Recommendation 1, Action 5). *Subcontractors will be able	ODOT Resident Engineers, RE-CPs, and Consultant Project Managers ODOT OECR Representatives ODOT Contract Administration (CAU) Industry (Primes and Subcontractors)	First Quarter of 2024 would be a reasonable time frame to check in with DBE subs. With the exception of current OECR data in AWP, construction data in AWP will be limited to the few contracts let toward the end of 2023 which will have the AWP specifications included. OECR provided clarification that the previous reference to subcontractors' "ratification" of payments in AWP correlates with this recent statement from the AWP newsletter: "Payments – Prompt Payments allows for all subcontractors to verify when they were paid

Barrier 4: Payment schedule and lack of prompt pay, Recommendation 2				
ODOT commits to checking with DBE firms about how the system is working for them within three months after AASHTOWare implementation.				
Plan Components	Step 1: Roles and Responsibilities List team members, their roles, and responsibilities	Step 2: Activities and Milestones List activities & outputs/milestones	Step 3: Other Potential Partners List other agencies or individuals that may be involved	Step 4: Timelines and Duration Identify timelines for each action and activity
		to "ratify" contract payments within AWP.		ensuring compliance with the allotted days and, if passed, will be in Prompt Payment Discrepancy report."

Barrier 4: Payment schedule and lack of prompt pay, Recommendation 3				
Invoices that subcontractors submit to primes are visible to ODOT.				
Plan Components	Step 1: Roles and Responsibilities List team members, their roles, and responsibilities	Step 2: Activities and Milestones List activities & outputs/milestones	Step 3: Other Potential Partners List other agencies or individuals that may be involved	Step 4: Timelines and Duration Identify timelines for each action and activity
Action 1: Include subcontractors, as appropriate under regulatory requirements and the contract, in the payment estimate process according to the abilities of the subcontractor role in AASHTOWare (AWP).	TBD	<p>Note: Until AWP configuration is finalized, it is important to keep in mind that changes to the system may still occur.</p> <p>About AWP: *Implementation of AWP will allow users (including subs) to input data and submit documents tailored to the "role" of the user (for</p>	ODOT Procurement ODOT Contract Administration (CAU) ODOT eConstruction & AWP Team Federal Highway Administration (FHWA) Department of Justice (DOJ)	AWP implementation date will be confirmed or delayed by end of June 2023 based on the results of recent system testing which are currently being analyzed by ODOT to address the recommendation

Barrier 4: Payment schedule and lack of prompt pay, Recommendation 3				
Invoices that subcontractors submit to primes are visible to ODOT.				
Plan Components	Step 1: Roles and Responsibilities List team members, their roles, and responsibilities	Step 2: Activities and Milestones List activities & outputs/milestones	Step 3: Other Potential Partners List other agencies or individuals that may be involved	Step 4: Timelines and Duration Identify timelines for each action and activity
		<p>example, "subcontractor" is a role).</p> <p>*Visibility of entered or submitted information and documents in AWP will also be dependent on the "role" of the user.</p> <p>* The Subcontractor "role" will be able to see some progress payment data.</p> <p>*Subcontractors will be able to "ratify" contract payments within AWP. (See Recommendation 2, Action 2)</p>		
Action 2: Investigate this recommendation's suggestion to make invoices subcontractors submit to primes visible to ODOT.	TBD	Pending resolution of Recommendation 5, Action 1		Note: The current potential solution to the issue of prompt payment is found in Recommendation 5, Action 1. It may not be necessary to explore this suggestion if the draft concept specification 'Advance Allowance for Subcontracted Work' is implemented because that draft specification currently contains language that

Barrier 4: Payment schedule and lack of prompt pay, Recommendation 3				
Invoices that subcontractors submit to primes are visible to ODOT.				
Plan Components	Step 1: Roles and Responsibilities List team members, their roles, and responsibilities	Step 2: Activities and Milestones List activities & outputs/milestones	Step 3: Other Potential Partners List other agencies or individuals that may be involved	Step 4: Timelines and Duration Identify timelines for each action and activity
				would require receipt by the Engineer of a "written request for advance allowance," which would likely be or include an invoice from the subcontractor.

Barrier 4: Payment schedule and lack of prompt pay, Recommendation 4				
Add ODOT point-of-contact for DBEs to every contract and shift the follow-up with the prime from the DBE to the ODOT point-of-contact.				
Plan Components	Step 1: Roles and Responsibilities List team members, their roles, and responsibilities	Step 2: Activities and Milestones List activities & outputs/milestones	Step 3: Other Potential Partners List other agencies or individuals that may be involved	Step 4: Timelines and Duration Identify timelines for each action and activity
Action 1: OECR has hired Small Business Navigators to assist subcontractors as a point-of-contact on prompt pay matters.	Small Business Navigators - SME - OECR	Onboarding Small Business Navigators	ODOT Contract Administration ODOT Financial Services	OECR Small Business Navigators were hired May 2023, and will begin to provide active support available on or around August 2023.

Barrier 4: Payment schedule and lack of prompt pay, Recommendation 5 Provide a payment option other than pay-when-paid.				
Plan Components	Step 1: Roles and Responsibilities List team members, their roles, and responsibilities	Step 2: Activities and Milestones List activities & outputs/milestones	Step 3: Other Potential Partners List other agencies or individuals that may be involved	Step 4: Timelines and Duration Identify timelines for each action and activity
Action 1: According to 5/19/23 discussion and positive feedback, DBE subs present would like ODOT to pursue implementation of draft concept specification 'Advance Allowance for Subcontracted Work,' the current effort ODOT has been working on which would provide a payment option other than pay-when-paid.	Summer Guthrie - SME - CAU	*Discuss status with State Construction Materials Engineer and Contract Administration representatives.	ODOT Contract Administration (CAU) ODOT Procurement Office (OPO) ODOT Financial Services Associated General Contractors ODOT Industry Leadership Team Department of Justice (DOJ)	Complete investigation into status within 3 months.
Action 2: According to 5/19/23 presentation by OECR, DBE subs present would like ODOT to investigate % advance payment specification implemented by Illinois DOT as a possibility for ODOT to consider.	Diponker Mukherjee - OECR DBE Program Manager	TBD	ODOT Office of Equity and Civil Rights (OECR)	TBD Note: ODOT currently does not make partial payments for unit priced Pay Item Work, only for Lump Sum Pay Items.
Action 3: Investigate 5/19/23 DBE suggestion that subs should be able to get paid when their work is complete and accepted even if the payment to the prime is held up due to something	Summer Guthrie - SME - CAU	*Consult with others in Construction and Contract Administration who have previously worked on prompt payment to determine if this suggestion has already been discussed and is not a viable option.	Industry ODOT Management FHWA DOJ	Complete investigation into status within 3 months. Note: The current potential solution to the issue of prompt payment is found in Action 1 of this recommendation. It may not

Barrier 4: Payment schedule and lack of prompt pay, Recommendation 5 Provide a payment option other than pay-when-paid.				
Plan Components	Step 1: Roles and Responsibilities List team members, their roles, and responsibilities	Step 2: Activities and Milestones List activities & outputs/milestones	Step 3: Other Potential Partners List other agencies or individuals that may be involved	Step 4: Timelines and Duration Identify timelines for each action and activity
that is the responsibility of the prime.				be necessary to explore this suggestion if the draft concept specification 'Advance Allowance for Subcontracted Work' is implemented.
Action 4: Investigate 5/19/23 DBE suggestion about the possibility of ODOT implementation of an incentive/disincentive (I/D) for prime regarding prompt payment to subs.	Jaime Viramontes - SME - PCO Kevin Cassidy- SME - OPO Summer Guthrie - SME- CAU	*CAU will consult with others in Construction and Contract Administration who have previously worked on prompt payment to determine if this suggestion has already been discussed and is not a viable option. *Clarify with workgroup if this action item would more accurately be stated that it is desired there be some form of penalty when primes don't meet the current prompt pay requirements.	ODOT Contract Administration (CAU) ODOT Procurement Office (OPO) ODOT Project Controls Office (PCO) Industry ODOT Management FHWA DOJ	Consultation within Contract Administration found the following: The FHWA Core Curriculum gives specific criteria for the use of I/D provisions and (p. 110) states "The use of I/D provisions should be restricted to critical projects where it is essential to minimize traffic delays." I/D provisions relate to time. Contract Administration is unsure I/D can apply to something like the prompt payment requirement. To Contract Administration's knowledge incentives/disincentives are based on road user costs. Any changes to part 00100's

Barrier 4: Payment schedule and lack of prompt pay, Recommendation 5 Provide a payment option other than pay-when-paid.				
Plan Components	Step 1: Roles and Responsibilities List team members, their roles, and responsibilities	Step 2: Activities and Milestones List activities & outputs/milestones	Step 3: Other Potential Partners List other agencies or individuals that may be involved	Step 4: Timelines and Duration Identify timelines for each action and activity
				<p>of the specifications require DOJ approval. Additional discussion of this item should involve FHWA and DOJ.</p> <p>The OPO and PCO representatives listed under Roles on this item have not yet had a chance to review and comment on it. The information gathered by CAU will be shared with OPO and PCO.</p> <p>Note: The current potential solution to the issue of prompt payment is found in Action 1 of this recommendation. It may not be necessary to explore this suggestion if the draft concept specification 'Advance Allowance for Subcontracted Work' is implemented.</p>
Action 5: Investigate the 5/19/23 DBE suggestion that ODOT should add requirements to contracts	Summer Guthrie - SME - CAU	*Consult with others in Construction and Contract Administration who have previously worked on	Industry ODOT Management FHWA DOJ	<p>Complete investigation into status within 6 months.</p> <p>Under Terms of</p>

Barrier 4: Payment schedule and lack of prompt pay, Recommendation 5 Provide a payment option other than pay-when-paid.				
Plan Components	Step 1: Roles and Responsibilities List team members, their roles, and responsibilities	Step 2: Activities and Milestones List activities & outputs/milestones	Step 3: Other Potential Partners List other agencies or individuals that may be involved	Step 4: Timelines and Duration Identify timelines for each action and activity
with primes to require certain things of primes' subcontracts with subs. <i>(Specific suggestions made in the meeting were: primes not withholding retainage from subs if ODOT not withholding retainage from primes, including the subs bid sheet terms in the subcontract, releasing retainage to each sub when the sub's work is complete and accepted by ODOT)</i>		prompt payment to determine if any of these suggestions have already been discussed and are not viable options.		Subcontracts (00180.21(d)) ODOT currently doesn't require anything beyond what is legally required. Note: Withholding of retainage must comply with escrow laws. Is the question about retainage better asked "Are primes complying with escrow laws? And, if not, what are ODOT's options for recourse, if any?"

Barrier 4: Payment schedule and lack of prompt pay, Recommendation 6 Include the topic of payments in pre-construction meeting and status check meetings that include the prime, sub(s), and construction inspector.				
Plan Components	Step 1: Roles and Responsibilities List team members, their roles, and responsibilities	Step 2: Activities and Milestones List activities & outputs/milestones	Step 3: Other Potential Partners List other agencies or individuals that may be involved	Step 4: Timelines and Duration Identify timelines for each action and activity
Action 1: Investigate this recommendation's suggestion that ODOT Include the topic of	Summer Guthrie - CAU	*Discuss with ODOT Resident Engineers and OECR Field Coordinators, others at ODOT.	ODOT Resident Engineers, RE-CPs, and Consultant Project Managers	The Construction Manual Chapter 11, Section 11-2

Barrier 4: Payment schedule and lack of prompt pay, Recommendation 6				
Include the topic of payments in pre-construction meeting and status check meetings that include the prime, sub(s), and construction inspector.				
Plan Components	Step 1: Roles and Responsibilities List team members, their roles, and responsibilities	Step 2: Activities and Milestones List activities & outputs/milestones	Step 3: Other Potential Partners List other agencies or individuals that may be involved	Step 4: Timelines and Duration Identify timelines for each action and activity
payments at Pre-Construction meetings.			ODOT Contract Administration (CAU)	addresses the requirements of the Pre-Construction Conference, specifically discussing progress payments is already the expectation with the language "Objectives to be accomplished during the Pre-Con include: ... Informing the Contractor of procedures for consent to subcontracts, progress payments and timing." Complete investigation within 3 months.
Action 2: Investigate 5/19/23 DBE suggestion that ODOT make it a requirement to Invite DBEs and Subcontractors to Pre-Construction meetings.	Summer Guthrie - CAU	*Discuss with ODOT Resident Engineers and OECR Field Coordinators, others at ODOT.	-ODOT Resident Engineers, RE-CPs, and Consultant Project Managers -ODOT Contract Administration -OECR Small Business Navigators and Field Coordinators	Although not a requirement, the Construction Manual Chapter 11, Section 11-2 addresses invitation of subcontractors to the Pre-Construction Meeting with the language "Persons who should attend a Pre-Con include: ... Key personnel from the Contractor and its Subcontractors." This would likely only reach the disclosed first-tier

Barrier 4: Payment schedule and lack of prompt pay, Recommendation 6				
Include the topic of payments in pre-construction meeting and status check meetings that include the prime, sub(s), and construction inspector.				
Plan Components	Step 1: Roles and Responsibilities List team members, their roles, and responsibilities	Step 2: Activities and Milestones List activities & outputs/milestones	Step 3: Other Potential Partners List other agencies or individuals that may be involved	Step 4: Timelines and Duration Identify timelines for each action and activity
				subcontractors as this meeting typically happens within 30 days of Notice-to-Proceed. Complete investigation within 6 months.
Action 3: Investigate this recommendation's suggestion about possibility of ODOT implementing status check meetings regarding prompt payment.	Small Business Navigators, OECR - SME	Onboarding Small Business Navigators	ODOT Contract Administration ODOT Financial Services	TBD
Action 4: According to 5/19/23 DBE suggestion, ODOT investigate creating a process for subs to request prime's contract from OPO so subs can see what is required of the prime regarding payment obligations.	Marie Wright/ Kevin Cassidy - SME - OPO	Determine what is already available and what steps would be needed to implement something new. Add info to new OECR resource page.	OECR Web Page Owners ODOT Procurement Office (OPO) - Carolee Will	Complete within 3 months.
Action 5: According to 5/19/23 DBE feedback, ODOT will investigate the Special Provisions and Contract Plans being put in a Doc Express drawer the subs have access to.	Summer Guthrie - SME - CAU	*Discuss with Contract Administration and ODOT eConstruction.		Complete investigation within 3 months. +B5:F9in Doc Express for AWP projects. The team is currently working on that reconfiguration. This suggestion was well received

Barrier 4: Payment schedule and lack of prompt pay, Recommendation 6				
Include the topic of payments in pre-construction meeting and status check meetings that include the prime, sub(s), and construction inspector.				
Plan Components	Step 1: Roles and Responsibilities List team members, their roles, and responsibilities	Step 2: Activities and Milestones List activities & outputs/milestones	Step 3: Other Potential Partners List other agencies or individuals that may be involved	Step 4: Timelines and Duration Identify timelines for each action and activity
				and will be considered. Would subcontractors requiring a copy of the final contract documents for a project prior to signing a subcontract be a viable remedy in addition to this action item?

Appendix E.5: Low-bid contracting – Working group

Barrier	Technical advisor	Working group members
Low-bid contracting	Kevin Cassidy and Marie Wright	Ben Hert; Carrie Baxandall; Holli Pick; James Faison; Mario Alexander; Joe Sky-Tucker; Matt Hennessee

Appendix E.5a: Low-bid contracting – Barrier and recommendation paper

Barrier: Low-bid contracting	
Barrier overview	<p>The requirement that ODOT award contracts to the “lowest responsive and responsible bidder” is a barrier to DBE firms who can better compete and be successful on projects that offer flexibility and options for unique, complex, or schedule-critical projects.</p> <p>Many DBEs experience higher administrative overhead costs than larger firms. Bonds, which are required on all construction projects, cost more for DBEs and small businesses. This cost can eliminate the DBE from competitively bidding on a large project.</p> <p>This barrier has been identified in previous bodies of work, including the ODOT BIPOC Contracting Expansion Anti-Oppression Barriers Analysis and the Oregon Minority Contracting Task Force.</p>
Impact on DBE firms	DBEs are frequently not successful winning projects that prioritize the lowest bidder.
Past or current ODOT actions to address this barrier	<ul style="list-style-type: none"> ODOT is updating language and requirements for alternative contracting methods through a new group who focus on alternative contracting.
Potential structural issues or conflicts	<ul style="list-style-type: none"> Most DBEs have structured their businesses around traditional design-bid-build contract mechanisms where design happens in a separate contract prior to construction activity. State law requires that ODOT award contracts to the lowest “responsive and responsible bidder” unless they use an alternative delivery method or create a specific exemption. (Oregon Revised Statute ORS 279C.335, Competitive Bidding: https://oregon.public.law/statutes/ors_279c.335) Insurance requirements often contribute to the high cost of small firm bids. ODOT needs to assess if this is an additional barrier to address for this recommendation to be useful.

Barrier: Low-bid contracting					
Agency partners in addressing barrier	<ul style="list-style-type: none"> ▪ Federal Highway Administration (FHWA) and other federal bodies ▪ Oregon Transportation Commission (OTC) ▪ Other relevant ODOT departments 				
Recommendations	<ul style="list-style-type: none"> ▪ Create more contracting processes that waive the lowest bid requirements, maybe other criteria, including best value or “lowest and best” to provide for contracting flexibility needed to allow DBE firms to compete. ▪ Modify the mentor-protégé program for the partnership to center on small firms winning more work after competing. ▪ Develop survey or use disparity study data to ascertain specifics about low bid barriers in ODOT contracting opportunities to target our efforts for meaningful outcomes. ▪ Develop a class regarding bonding and insurance. ▪ Develop a sample bid booklet as an example for responsive submittal. 				
Advisory Committee consent	[Yes/No]				
Actions	<table border="1"> <tr> <td>Near-term</td> <td> <ul style="list-style-type: none"> ▪ Work with relevant ODOT departments to develop a plan for defining a best value approach to bid evaluation. ▪ Explore options to incentive large firms that participate in the mentor-protégé program to invest in their protégé firms. ▪ Look at capacity building programs like the programs at WSDOT and the Port of Portland. ▪ Promote the new law regarding primes using certified firms to win points but then not using the certified firm on the project or for a smaller scope of work than agreed to. </td> </tr> <tr> <td>Long-term</td> <td> <ul style="list-style-type: none"> ▪ Redefine the rules around which contracts are set as low bid, including working with the legislature, OTC, and others. </td> </tr> </table>	Near-term	<ul style="list-style-type: none"> ▪ Work with relevant ODOT departments to develop a plan for defining a best value approach to bid evaluation. ▪ Explore options to incentive large firms that participate in the mentor-protégé program to invest in their protégé firms. ▪ Look at capacity building programs like the programs at WSDOT and the Port of Portland. ▪ Promote the new law regarding primes using certified firms to win points but then not using the certified firm on the project or for a smaller scope of work than agreed to. 	Long-term	<ul style="list-style-type: none"> ▪ Redefine the rules around which contracts are set as low bid, including working with the legislature, OTC, and others.
	Near-term	<ul style="list-style-type: none"> ▪ Work with relevant ODOT departments to develop a plan for defining a best value approach to bid evaluation. ▪ Explore options to incentive large firms that participate in the mentor-protégé program to invest in their protégé firms. ▪ Look at capacity building programs like the programs at WSDOT and the Port of Portland. ▪ Promote the new law regarding primes using certified firms to win points but then not using the certified firm on the project or for a smaller scope of work than agreed to. 			
Long-term	<ul style="list-style-type: none"> ▪ Redefine the rules around which contracts are set as low bid, including working with the legislature, OTC, and others. 				
Cost considerations	<p>Staffing costs to evaluate, develop and administer alternative contracting methods and associated greater number of contracts.</p> <p>Staffing costs to invest in modifying mentor-protégé program.</p>				
Outcomes of implementing recommendation	Adding more alternative delivery methods contracts to the ODOT procurement process will provide DBE firms with contract flexibility, increasing their competitiveness on				

Barrier: Low-bid contracting

contracts and creating systems for them to deliver projects more easily and successfully.

Appendix E.5b: Low-bid contracting – Draft work plan

Barrier 5: Low-bid contracting, Recommendation 1				
Create more contracting processes that waive the lowest bid requirements, maybe other criteria, including best value or “lowest and best” to provide for contracting flexibility needed to allow DBE firms to compete.				
Plan Components	Step 1: Roles and Responsibilities List team members, their roles, and responsibilities	Step 2: Activities and Milestones List activities & outputs/milestones	Step 3: Other Potential Partners List other agencies or individuals that may be involved	Step 4: Timelines and Duration Identify timelines for each action and activity
Action 1: Work with relevant ODOT departments to develop a plan for defining a best value approach to bid evaluation.	-Kevin Cassidy - SME - OPO -Hollie Pick - SME - Alternative Delivery -Diponker Mukherjee - SME - DBE -Jamie Viramontes - SME - Project Delivery -Greg Stellmach- Advisory - Contract Admin -Office of Maintenance Rep - SME - Operations -OSECR Business Navigator - SME - Small Business	*Develop a survey for certified firms that bid with ODOT to better define low bid barriers so we can effectively address barriers toward better outcomes *Explore opportunities within ORS 279B to utilize best value procurement - post a sample bid document and how to complete it *Review Port of Portland and City of Portland programs for best practices *Work with ADS and FHWA to develop DBE/Small Contracting requirements to use in RFP process to identify and utilize small business firms (work underway)	Potential partners: * Federal Highway Administration (FHWA) and other federal bodies * Oregon Transportation Commission (OTC) * Other relevant ODOT departments *COBID - Carrie Braxandall *Business Oregon - Feather Sams-Huesties	*Develop a survey for certified firms that bid with ODOT to better define low bid barriers so we can effectively address barriers toward better outcomes (Fall 2023) *Explore opportunities within ORS 279B to utilize best value procurement (By Dec 2023) *Review Port of Portland and City of Portland programs for best practices. (By Dec 2023) *Work with ADS and FHWA to develop DBE/Small Contracting requirements to use in RFP process to identify and utilize small business firms (work underway)
Action 2: Promote the new law regarding primes using certified firms to win points but then not using the	-Diponker Mukherjee - SME - DBE -Jamie Viramontes - SME - Project Delivery	*Work with Advisory Committee to obtain more information on the recommendation such as is	*DOJ *The agency that passed this law	*Work with Advisory Committee to obtain more information on the recommendation such as is

Barrier 5: Low-bid contracting, Recommendation 1				
Create more contracting processes that waive the lowest bid requirements, maybe other criteria, including best value or “lowest and best” to provide for contracting flexibility needed to allow DBE firms to compete.				
Plan Components	Step 1: Roles and Responsibilities List team members, their roles, and responsibilities	Step 2: Activities and Milestones List activities & outputs/milestones	Step 3: Other Potential Partners List other agencies or individuals that may be involved	Step 4: Timelines and Duration Identify timelines for each action and activity
certified firm on the project or for a smaller scope of work than agreed to.	-Greg Stellmach- Advisory - Contract Admin -Office of Maintenance Rep - SME - Operations -OSECR Business Navigator - SME - Small Business -OPO - Marie/Kevin/Joni	this new law federal or state, an Oregon law or from another state? *Research law *Determine applicability for ODOT use *Write rules, specifications, contract verbiage as needed for implementation *Develop implementation and communication plans	*Any state agencies that are implementing this law	this new law federal or state, an Oregon law or from another state? (Spring 2024) *Research law (Dependent on Advisory Committee Outcomes) *Determine applicability for ODOT use *Write rules, specifications, contract verbiage as needed for implementation *Develop implementation and communication plans
Action 3: Redefine the rules around which contracts are set as low bid, including working with the legislature, OTC, and others.	-Diponker Mukherjee - SME - DBE -Hollie Pick - SME - Alternative Delivery -Jamie Viramontes - Advisory - Project Delivery -Marie/Kevin/Joni - SME - Procurement -OSECR Business Navigator - SME - Small Business	*Pursue a goal program that utilizes State funding *Develop rules, specifications, contract language as needed *Work with OECR to determine status of Small Contracting Program and Maintenance Emergency Services list, do these programs address some of these barriers? *Look at expanding ESB Certification beyond 5 years. *Look at smaller units of work to break out.	Potential partners: *DOJ *Oregon Transportation Commission	*Pursue a goal program that utilizes State funding (Fall 2023) *Develop rules, specifications, contract language as needed (Spring 2024) *Work with OECR to determine status of Small Contracting Program and Maintenance Emergency Services list, do these programs address some of these barriers? Look at expanding ESB Certification beyond 5 years. Look at

Barrier 5: Low-bid contracting, Recommendation 1				
Create more contracting processes that waive the lowest bid requirements, maybe other criteria, including best value or “lowest and best” to provide for contracting flexibility needed to allow DBE firms to compete.				
Plan Components	Step 1: Roles and Responsibilities List team members, their roles, and responsibilities	Step 2: Activities and Milestones List activities & outputs/milestones	Step 3: Other Potential Partners List other agencies or individuals that may be involved	Step 4: Timelines and Duration Identify timelines for each action and activity
		*Educate DBE community about ESB Program, Small Contracting Program, Maintenance Emergency Services List *Work with ADS and bundling subcommittee to identify projects which will accommodate non low bid contracting methods.		smaller units of work to brake out. (Fall 2023) *Educate DBE community about ESB Program, Small Contracting Program, Maintenance Emergency Services List (ongoing) *Work with ADS and bundling subcommittee to identify projects which will accommodate non low bid contracting methods. (Spring 2024)

Barrier 5: Low-bid contracting, Recommendation 2				
Modify the mentor-protégé program for the partnership to center on small firms winning more work after competing.				
Plan Components	Step 1: Roles and Responsibilities List team members, their roles, and responsibilities	Step 2: Activities and Milestones List activities & outputs/milestones	Step 3: Other Potential Partners List other agencies or individuals that may be involved	Step 4: Timelines and Duration Identify timelines for each action and activity
Action 1: Explore options to incentive large firms that participate in the mentor-protégé program to invest in their protégé firms.	-Kevin Cassidy/ Kayleen Warner - OPO -Diponker Mukherjee - OECR -Greg Stellmach or other resource from CAU -Jaime Viramontes - PCO	*Discussion with Diponker and work group regarding current mentor protégé partnership with the Port of Portland *Presentation by POP re:	-Port of Portland -Supportive Services Providers -Association of General Contractors	*Discussion with Diponker and work group regarding current mentor protégé partnership with the Port of Portland (Summer 2023) *Presentation by POP re:

Barrier 5: Low-bid contracting, Recommendation 2				
Modify the mentor-protégé program for the partnership to center on small firms winning more work after competing.				
Plan Components	Step 1: Roles and Responsibilities List team members, their roles, and responsibilities	Step 2: Activities and Milestones List activities & outputs/milestones	Step 3: Other Potential Partners List other agencies or individuals that may be involved	Step 4: Timelines and Duration Identify timelines for each action and activity
		their program *Research other state programs *Partner with support services providers that offer similar information that would be learned from a mentor *Include this information and these providers on new resource webpage.		their program (Fall 2023) *Research other state programs (Fall 2023) *Partner with support services providers that offer similar information that would be learned from a mentor (Spring 2024) *Include this information and these providers on new resource webpage. (Spring 2024)
Action 2: Look at capacity building programs like the programs at WSDOT and the Port of Portland.	-Kevin Cassidy/ Kayleen Warner - OPO -Diponker Mukherjee - OECR -Greg Stellmach or other resource from CAU -Jaime Viramontes - PCO -Zac Cartwright - OPO Risk and Insurance	*Research capacity building programs at WSDOT and Port of Portland *Evaluate programs for ODOT use. *Implement and communicate programs *Develop and post a sample bid document and how to complete it. *Work with OECR to develop, advertise, and deliver a class for small businesses on bonding and insurance.	-Washington State Department of Transportation (WSDOT) -Port of Seattle	*Research capacity building programs at WSDOT an+B5:F6 (Spring 2024) *Develop and post a sample bid document and how to complete it. (Fall 2023) *Work with OECR to develop, advertise, and deliver a class for small businesses on bonding and insurance. (Spring 2024)

Appendix E.6: Access to work under bundled Architecture and Engineering (A&E) and construction contracts – Working group

Barrier	Technical advisor	Working group members
Access to work under bundled Architecture and Engineering (A&E) and construction contracts	Jim West	Ben Hert; Khang Tran; Melissa Canfield; Joe Sky-Tucker; Lillian Stevenson; Kenyatta Trice; Matt Hennessee; Carrie Baxandall

Appendix E.6a: Access to work under bundled Architecture and Engineering (A&E) and construction contracts – Barrier and recommendation paper

Barrier: Access to work under bundled construction contracts	
Barrier overview	<p>DBE firms struggle to compete with larger, multi-disciplinary firms for bigger, bundled projects that have many components and require several areas of expertise, such as engineering, communications, surveying, ecological analysis, economics, and construction from bidders.</p> <p>Bundling by ODOT of multiple projects together or including multiple areas of expertise in a project are barriers for DBE firms.</p> <p>Conversely, unbundling work by the prime during design or construction are also barriers for DBE firms.</p> <p>While a lack of unbundled contracts is a barrier for some DBEs, DBEs recognize a larger, more systemic barrier that ODOT needs to address. ODOT needs to establish a holistic, consistent process for engaging, supporting, and tracking DBEs. ODOT recognizes that there may be multiple contributing factors and thus multiple solutions.</p>
Impact on DBE firms	<p>Specialized DBE businesses that offer focused services are most impacted by this barrier in the following ways:</p> <ul style="list-style-type: none"> ▪ Large, multi-faceted contracts favor multi-disciplinary teams, including those who have been established by prime contractors who offer more than one service or who can access teaming partners who offer these services. ▪ Large contract values put DBE firms at a disadvantage because of bonding and insurance requirements.
Past or current ODOT actions to address this barrier	<ul style="list-style-type: none"> ▪ Coordinate with relevant state departments and leadership about the impacts of bundled projects on DBE firms planning around development of possible parameters that may result in more unbundled projects. ▪ Continue tracking of current DBE participation rates.

Barrier: Access to work under bundled construction contracts			
	<ul style="list-style-type: none"> ▪ Continue survey work of the DBE community to identify potential subcontractors who have not yet worked with ODOT. 		
Potential structural issues or conflicts	<ul style="list-style-type: none"> ▪ ODOT currently bundles contracts for efficiency. ▪ Federal funding comes to ODOT bundled. ▪ Need to consider who would assume legal responsibility to ensure small firms' scope, schedule, and budget adhere to the overall project needs. This typically is the prime contractor's responsibility, but in unbundled contracts, could be ODOT's responsibility. ▪ Prime firms have the ability to break contracts into smaller scopes of work, but there is no expectation or accountability from ODOT to do that. ▪ Need to identify how to add value to smaller scopes of work and how to increase benefits to unbundling contracts. 		
Agency partners to addressing barrier	<ul style="list-style-type: none"> • ODOT Project Delivery • ODOT Procurement • Other relevant ODOT departments • Large firm (prime) agencies 		
Recommendation	<p>ODOT expands its DBE program to include more focused resources and staff to track DBE activities, services, and offerings, and provide direct and specialized support based on the DBE's needs and experiences. Specifically:</p> <ul style="list-style-type: none"> ▪ ODOT invests time in engaging with DBEs to understand what nontraditional services and products are offered by the subcontracting community. ODOT catalogs DBE services and offerings and integrates them into RFPs. ▪ ODOT provides support to DBEs in joint ventures and teaming for larger contracts. ▪ ODOT implements systems for incentivizing and/or penalizing prime firms for how they unbundle or bundle contracts. 		
Advisory Committee consent	[Yes/No]		
Actions	<table border="1"> <tr> <td>Near-term</td> <td> <ul style="list-style-type: none"> ▪ ODOT Supportive Services identifies internal and external resources for DBEs to expand their support and access. ▪ Talk to Earl Keys about WSDOT's efforts in unbundling contracts. ▪ Work with the advisory committee to identify specific barriers related to insurance and bonding (capital; credit ratings; bond costs and requirements; insurance requirements, limits, and cost, etc.). Include ODOT Procurement Risk Manager in the conversation. </td> </tr> </table>	Near-term	<ul style="list-style-type: none"> ▪ ODOT Supportive Services identifies internal and external resources for DBEs to expand their support and access. ▪ Talk to Earl Keys about WSDOT's efforts in unbundling contracts. ▪ Work with the advisory committee to identify specific barriers related to insurance and bonding (capital; credit ratings; bond costs and requirements; insurance requirements, limits, and cost, etc.). Include ODOT Procurement Risk Manager in the conversation.
Near-term	<ul style="list-style-type: none"> ▪ ODOT Supportive Services identifies internal and external resources for DBEs to expand their support and access. ▪ Talk to Earl Keys about WSDOT's efforts in unbundling contracts. ▪ Work with the advisory committee to identify specific barriers related to insurance and bonding (capital; credit ratings; bond costs and requirements; insurance requirements, limits, and cost, etc.). Include ODOT Procurement Risk Manager in the conversation. 		

Barrier: Access to work under bundled construction contracts

		<ul style="list-style-type: none"> ▪ Work with ODOT Project Delivery and/or other relevant departments to unbundle more projects. ▪ Identify the products, services, and subcontractors being used on a project that do not have a North American Industry Classification System (NAICS) code, procurement line items, or opportunities to bid. ▪ Inventory small firms and the different products and services they provide. ▪ Invite a federal contracting representative to participate in conversations with DBE companies to hear the impact of their current practices. ▪ Develop metrics around DBE participation and various contracting mechanisms. ▪ Research best practices within other state department of transportation offices.
	Longer-term	<ul style="list-style-type: none"> ▪ Develop partnerships with federal government and other state departments to continue to explore various avenues in unbundling projects to increase DBE opportunities. ▪ Partner with federal government to update the NAICS to reflect new services and scopes in the industry. ▪ Monitor contracting mechanism and DBE participation. ▪ Research strategies to incentivize DBE participation in ODOT projects.
ODOT cost considerations	Potential costs related to staffing associated with a greater number of smaller contracts. Potential for higher project costs when unbundled.	
Outcomes of implementing recommendation	A greater number of smaller unbundled contracts would provide an opportunity for DBEs to compete more effectively for contracts that are appropriately sized and scoped.	

Appendix E.6b: Access to work under bundled Architecture and Engineering (A&E) and construction contracts – Draft work plan

Barrier 6: Access to work under bundled A&E and construction contracts, Recommendation 1				
Explore ways for ODOT Project Delivery and/or other relevant departments to unbundle more projects.				
Plan Components	Step 1: Roles and Responsibilities List team members, their roles, and responsibilities	Step 2: Activities and Milestones List activities & outputs/milestones	Step 3: Other Potential Partners List other agencies or individuals that may be involved	Step 4: Timelines and Duration Identify timelines for each action and activity
Action 1: Contact other State Departments of Transportation to understand how they address the barrier created by bundling.	Statewide Project Delivery Branch or region - make contact with DOTs and identify barrier actions	<ol style="list-style-type: none"> 1. Select DOTs to contact - WSDOT, at at least two others. 2. Summarize and evaluate results 3. Identify potential solutions related to bundling and add to list of action 	DOTs - willing to respond to questions about bundling FHWA - DBE contact for ideas - Chris Woods	Summer 2023
Action 2: Explore establishing a target percentage of STIP projects that are exclusively in the Tier A Full Service Price Agreement for Architectural and Design Services.	Statewide Project Delivery Branch - evaluate data, define and set target Statewide Project Delivery Branch - plan, implement and monitor	<ol style="list-style-type: none"> 1. Define the calculation of the target percentage and how it will be applied. 2 Assess the capacity of the workforce 3. Evaluate data on sizes of design projects likely to be delivered using the FSPA. 4. Set target percentage 5. Prepare the implementation/communications plan for action (including DBE partners) 6. Implement and monitor for compliance and impact. 	ODOT Procurement Office - American Council of Engineering Companies - assist with communication to consultants FHWA	End of 2023

Barrier 6: Access to work under bundled A&E and construction contracts, Recommendation 1				
Explore ways for ODOT Project Delivery and/or other relevant departments to unbundle more projects.				
Plan Components	Step 1: Roles and Responsibilities List team members, their roles, and responsibilities	Step 2: Activities and Milestones List activities & outputs/milestones	Step 3: Other Potential Partners List other agencies or individuals that may be involved	Step 4: Timelines and Duration Identify timelines for each action and activity
Action 3: Explore establishing a target percentage of STIP projects that will be bid with a construction value of less than \$1M.	DBE firms or other DBE organizations - to validate the threshold for max construction value Statewide Project Delivery Branch and regions - evaluate data, define and set target Statewide Project Delivery Branch - plan, implement and monitor	1. Establish the max size of projects - likely \$1M max 2. Define the calculation of the target percentage and how it will be applied. 3. Evaluate data on sizes of construction projects in the current STIP. 4. Set target percentage 5. Prepare the implementation/communications plan for action (including DBE partners) 6. Implement and monitor for compliance and impact.	ODOT Procurement Office - American Council of Engineering Companies - assist with communication to consultants FHWA	End of 2023

Barrier 6: Access to work under bundled A&E and construction contracts, Recommendation 2				
Explore opportunities for Agency use of other (alternative) contracting methods that may offer DBE certified firms access to smaller work packages.				
Plan Components	Step 1: Roles and Responsibilities List team members, their roles, and responsibilities	Step 2: Activities and Milestones List activities & outputs/milestones	Step 3: Other Potential Partners List other agencies or individuals that may be involved	Step 4: Timelines and Duration Identify timelines for each action and activity
Action 1: Explore Construction	-Alternative Delivery Services (ADS) -ODOT Procurement Office	The CM/GC method allows for smaller early work amendments and flexibility	Federal Highway Administration	Summer 2024

Barrier 6: Access to work under bundled A&E and construction contracts, Recommendation 2				
Explore opportunities for Agency use of other (alternative) contracting methods that may offer DBE certified firms access to smaller work packages.				
Plan Components	Step 1: Roles and Responsibilities List team members, their roles, and responsibilities	Step 2: Activities and Milestones List activities & outputs/milestones	Step 3: Other Potential Partners List other agencies or individuals that may be involved	Step 4: Timelines and Duration Identify timelines for each action and activity
Manager/General Contractor (CM/GC) contracting.	-Office of Equity and Civil Rights	in work packages. This contracting method (on ODOT contracts) also requires an approved diversity and subcontracting plan. Work has already begun by ADS on this action.		
Action 2: Explore single function Indefinite Delivery/Indefinite Quantity (ID/IQ) contracting.	-Alternative Delivery Services (ADS) -ODOT Procurement Office -Office of Equity and Civil Rights	The ID/IQ method creates opportunities for smaller single function work to be contracted in a specific geographical location. Project sizes are smaller, routine, specialized, simple work. Work has already begun by ADS on this action.	Federal Highway Administration	Summer 2024

Barrier 6: Access to work under bundled A&E and construction contracts, Recommendation 3				
Explore ways for ODOT to incentivize and/or penalize prime firms for how they unbundle or bundle contracts.				
Plan Components	Step 1: Roles and Responsibilities List team members, their roles, and responsibilities	Step 2: Activities and Milestones List activities & outputs/milestones	Step 3: Other Potential Partners List other agencies or individuals that may be involved	Step 4: Timelines and Duration Identify timelines for each action and activity
Action 1: Explore incentives for prime consultants to not eliminate or reduce DBE	This action was determined to be similar/same as an action identified by the low	See activities and milestones of low bid contracting work group		See timelines and durations of low bid contracting work group

Barrier 6: Access to work under bundled A&E and construction contracts, Recommendation 3				
Explore ways for ODOT to incentivize and/or penalize prime firms for how they unbundle or bundle contracts.				
Plan Components	Step 1: Roles and Responsibilities List team members, their roles, and responsibilities	Step 2: Activities and Milestones List activities & outputs/milestones	Step 3: Other Potential Partners List other agencies or individuals that may be involved	Step 4: Timelines and Duration Identify timelines for each action and activity
services on A&E projects during solicitation.	bid contracting work group. The low-bid work group agreed to take the lead on the exploration of this action.			
Action 2: Explore incentives for prime contractors to not eliminate or reduce DBE services on construction projects when bidding. For example - implement incentives for prime contractors to allow DBE firms to exercise direct control and authority over the work of their own employees and equipment consistent with the FHWA requirement of Commercially Useful Function (CUF).	This action was determined to be similar/same as an action identified by the low bid contracting work group. The low-bid work group agreed to take the lead on the exploration of this action.	See activities and milestones of low bid contracting work group		See timelines and durations of low bid contracting work group

Appendix F: Facilitation team core responsibilities and qualifications

Lead facilitator

- Core responsibilities:
 - Maintain vision
 - Primary facilitator for meetings
 - Develop structure and content for meetings
 - Develop structure and content for program, including communications with the larger DBE community and recruitment
 - Create system to provide ongoing support for committee members and an established feedback structure during and after serving on the committee
 - Oversee external communications, including engaging the larger DBE network and highlighting the work of the committee.
 - Maintain relationships with advisory committee members, emphasizing the small business owners
- Skills and qualifications:
 - Experience planning meetings, especially a series of meetings to support a process
 - Group management
 - Ability to think on one's feet
 - Listening
 - Ability to navigate complex power dynamics
 - Ability to receive feedback gracefully in high stress situations
 - Ability to change course with no notice and communicate effectively about course change to team
 - Ability to communicate and collaborate in time-limited environments
 - Broad facilitation skills
 - Ability to provide clear direction
 - Critical thinking
 - Knowledge of DBE program
 - Knowledge of ODOT contracting
 - Understanding of history of transportation policy impacts on people who are Indigenous and on tribal nations
 - Some knowledge of sovereign nation regulations
 - Commitment to engaging with tribal nations as sovereign nations
 - Strong interpersonal communication skills
 - Ability to describe a body of work clearly
 - Writing and editing skills
 - Knowledge of racial equity and social equity
 - Knowledge of how the advisory committee will function with other ODOT efforts
 - Ability to navigate complex interpersonal dynamics to unpack any contradictory input
 - Experience facilitating complex decision-making processes
 - Experience facilitating to consider and mitigate power imbalances
 - Patience
 - Experience developing and managing advisory group recruitment processes
 - Willingness to make decisions
 - Ability to navigate bureaucratic systems to move initiatives

- Facility with PowerPoint or other presentation software
- Ability to present information well
- Ability to organize information
- Ability to collaborate
- High-level knowledge of Zoom or similar platforms

Co-facilitator

- Core responsibilities:
 - Support vision
 - Secondary facilitator for meetings, lead facilitator if lead is absent
 - Contribute to structure and content for meeting
 - Contribute to structure and content for program
 - QC decks
 - Maintain relationships with advisory committee members, emphasizing the small business owners
- Skills and qualifications:
 - Experience planning meetings, and an interest in planning a series of meetings to support a process
 - Group management
 - Ability to think on one's feet
 - Listening
 - Ability to navigate complex power dynamics
 - Ability to receive feedback gracefully in high stress situations
 - Ability to change course with no notice and communicate effectively about course change to team
 - Ability to communicate and collaborate in time limited environments
 - Broad facilitation skills
 - Critical thinking
 - Knowledge of DBE program
 - Knowledge of ODOT contracting
 - Commitment to engaging with tribal nations as sovereign nations
 - Strong interpersonal communication skills
 - Ability to describe a body of work clearly
 - Writing and editing skills
 - Knowledge of racial equity and social equity
 - Knowledge of how the advisory committee will function with other ODOT efforts
 - Interest in facilitating complex decision-making processes
 - Interest in facilitating to consider and mitigate power imbalances
 - Patience
 - Interest developing and managing advisory group recruitment processes
 - Willingness to make decisions
 - Facility with PowerPoint or other presentation software
 - Ability to present information well
 - Ability to organize information
 - Ability to collaborate
 - High-level knowledge of Zoom or other similar platforms

Program coordinator

- Core responsibilities:
 - Logistics, including scheduling and managing meeting platform
 - Notetaking
 - Manage and coordinate materials
 - Manage external communications, including posting committee materials
 - Communication management
 - Run deck during meetings
- Skills and qualifications:
 - Meeting planning experience
 - Attention to detail
 - Organizational skills
 - Time management
 - Sensitivity to tribal nation issues
 - Interest in facilitation
 - Writing skills, specifically for social media
 - Interest in racial equity and social equity
 - Experience with Zoom or similar platforms
 - Ability to incorporate feedback, including indirect or unclear feedback
 - Experience managing contact lists
 - Time management and responsiveness to email
 - Understanding of recruitment systems
 - Ability to review high volumes of content quickly
 - Ability to organize information by external criteria
 - Patience
 - Willingness to make decisions
 - Facility with PowerPoint or other presentation software
 - Ability to present information attractively
 - Ability to organize information
 - Ability to collaborate
 - Ability to adjust course with little notice