Welcome

ODOT

Office of Equity & Civil Rights





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ODOT Office of Equity & Civil Rights – Programs



Disadvantaged Business Enterprise (DBE)

Workforce Development / On-The-Job Training (OJT) / Apprenticeship Programs

Equal Employment Opportunity (EEO)

Title VI / Environmental Justice / ADA / Limited English Proficiency (LEP)

Tribal Employment Rights Ordinance (TERO)

Emerging Small Business (ESB)



What is a Disadvantaged Business Enterprise (DBE)?

- A DBE is a business owned by historically, socially and economically disadvantaged individuals.
- DBE Program is a federal requirement
- Certified through COBID*
- ODOT Office of Equity & Civil Rights monitors and reports DBE program compliance

The firm's management and daily operations must be controlled by the historically socially and economically disadvantaged owners (49 CFR 26.5)



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DBE Program Goals

DBE Contract Goals

Any contract that includes \$1 or more of FHWA funding will be assessed for a goal assignment

- Race Conscious: If a goal is assigned to that contract the DBE performance used to meet the goal as a condition of award is "race conscious"
- Race Neutral: Any performance by a DBE beyond the original commitment on a contract or a DBE that was never committed to the project is "race neutral"



DBE Program Goals

1. Overall Annual Goal

The current state-wide annual goal is **23.43%** (RN 6.10%, RC 17.33%)

- Triennial Goal—a goal is presented to FHWA for approval every three years
- All performance by DBEs on any contracts that have federal funds is counted towards the overall goal
- The overall goal that is proposed to FHWA follows recommendations made after the completion of Disparity Studies or Disparity Study Updates



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DBE Program Commitments

- DBE requirements are in the Contract Special Provisions
- RE/PM staff monitors DBE program compliance throughout the project
- The OECR Field Coordinator provides contract compliance, review and technical assistance





DBE Termination/Replacement

Prime may only terminate and replace a DBE for **good** cause and must:

- Provide notice of termination for non-committed DBE in writing to the RE/PM
- Provide written notice of replacement of committed DBE
- Prime must communicate with PM/RE





Prime self-performing DBE-committed work is considered partial termination

/

OECR Forms

- 1. Committed DBE Breakdown & Certification 734-2531
- 2. Internal PreCon Conference
- 3. Work Plan Proposal (Form 3A) 734-2165A (1/2014)
- 4. Commercially Useful Function (Form 3B) 734-2165
- 5. Daily DBE Trucking Log 734-2916
- 6. Paid Summary Report 734-2882



Committed DBE Breakdown Certification Forms

- Prime submits within 10 days of contract award notification letter
- Form is required for **each committed DBE**
- Prime and DBE both must sign
- Total committed to each DBE must be <u>at least</u> the amount committed at time of bid
- The committed amount on the DBE Breakdown and Certification form <u>is contractual</u>



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PROJECT NAM	/E	CONTRACT NO.	PRIME CONTRACTOR			COMMITTED DE	BE FIRM	
below for t Awarded (the performance of the above Contractor shall complete and BE information to ODOT with	s that this form accurately represents e referenced project. This certification d submit this form to ODOT's Office hin this timeline shall be cause for co	on shall be deer	med a part of the re within the timeline	esulting contr set forth in th	act. ne award notif	fication letter. Fai	lure to provide
	a separate form for each co							
BID ITEM NO.	DESCRIPTION (IF PARTIAL, EXPLAIN B	BRIEFLY, IF TRUCKING, INDICATE IF OWNER/OPER/	ATOR)	PARTIAL?	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
						1		
					_	-	-	
						1		
					_			
						-	TOTAL AMOUNT	
This certifi subject to	cation is made under federa	BE contractor must sign each sheet t Il and state laws concerning false sta attion will be retained for a minimum	tements. The fi	rm's representative	signing belo		ds that supportin	g documentation is
DBE CONTRA	CTOR REPRESENTATIVE NAME	DBE CONTRACTOR REPRESENTATIVE TITLE	PHONE	DE	BE CONTRACTOR	REPRESENTATIVE	SIGNATURE	DATE
Awarded	Contractor							
	R REPRESENTATIVE NAME	CONTRACTOR REPRESENTATIVE TITLE	PHONE	o	ONTRACTOR REP	RESENTATIVE SIG	NATURE	DATE
Submit or		e.or.us – or – Fax to (503) 986-6382	– or – Mail/deli	ver to ODOT Office	of Civil Righ	nts MS 31, 35	55 Capitol St. NE	, Salem OR 97301

Internal Pre-Construction Conference

- Internal Pre-Construction meetings are held for each project, prior to Pre-construction Conference
- This meeting is where we identify roles and responsibilities, specific to the project
- Key Participants: Resident Engineer, Contract
 Administration, OECR Field Coordinator and Inspector





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DBE Work Plan 3A Proposal

Required from <u>all</u> DBE subcontractors prior to DBE starting work

- Tells us how the DBE will perform work include details
- Opportunity to identify and head off potential CUF and crediting issues. Is compared to the Subcontract & DBE Breakdown Certification Form (if committed)
- Identify potential CUF issues, correct problems before they happen and provide feedback to Prime & DBE
- Baseline to compare CUF Review Form 3B



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	Show Instructions Hide Instructions	
	PRIME CONTRACTORICONBULTANT	
	One DISADVANTAGED BUSINESS ENTERPRISE (DBE)	
	Department of Transportation WORK PLAN PROPOSAL (FORM 3A) CONTRACT NUMBER	
	PROJECT NAME REVISION NUMBER	
	□Yes □No	
	DEE DAME DEE OWNER NAME	
	ADDRESS PHONE FAX	
	CITY STATE ZIP E-MAIL ADDRESS	
1	OR	
1	A. DBE Work	
	List the types of work the DBE Subcontractor will perform.	
1	Complete all fields for each bid item. (To add another line, click the "+" button. To delete a line, click the "-" button.)	
	BIG TENNAMBER IBID TEM DESCRIPTION PARTY IF YES EXPLAIN IEST STATE DATE ISSUED TO SHEET DATE.	
	THE PROPERTY OF THE PROPERTY O	
	B. Personnel Required	
	New York of Technical Section 1. Supervisor or foreman is exclusively employed by the	
	DBE (i.e., is not on another company's payroll and does not have ownership in another business.) If the answer is	
	No. explain.	
	NAME OF SE OHOITE SUPERVISOR OF FOREMAN EXCLUSIVELY EMPLOYED BY OSE?	
1		
	F NO, EXPLAIN	
1		
1	Other personnel: List the names and craft classifications for all personnel. Indicate whether each individual is	
	 Other personner. List the names and crait classifications for all personner, indicate whether each individual is regularly employed by the DBE and/or the source from which the individual was/is to be cruited. Complete all 	
	regularly employed by the Dec amond the source from which washes to be rectuded. Complete an fields for each employee, if names are not known, provide the number of employees in each craft in the "employee	
	nerds for each employee. Il marnes are not known, provide the number of employees in each chair in the 'employee' name' field:	
	INGITE INCL. EMPLOYEE NAME CRAFT CLASSFICATION REGULARLY EMPLOYED 11 F NO. RECRUITMENT SOURCE	
	EMPLOYEE BOOK FOR THE PROPERTY OF THE PROPERTY	
	Optional: Instead, attach a list of employee information. Check here if list is attached:	
1		
	C. Equipment Required	
	 List the primary items, implements, or tools that will be used to perform the work of the DBE's subcontract on the 	
	project. Equipment includes motorized vehicles such as bulldozers, tractors, concrete rollers, cars, pickups, etc. It	
	also includes flagging signs, radios, and paddles, or other smaller tools if primary to performance of the work. If	
	rented or leased, agency consent to the agreement must be obtained prior to work beginning. Complete all fields for each equipment item:	
1	TOY GOOD EQUIPMENT (TIETT): TYPE OF SOLUMENT TOWNED. LEASED, RENTED? LEASEMENT ATTACHED?	
I	TYPE OF EQUIPMENT OWNED, LEASED, RENTED LEASE/RENTAL AGREEMENT ATTACHED?	
	Optional: Instead, attach an equipment list with the required information. Check here if equipment list is attached:	
	Trucks: When the DBE has been subcontracted to perform trucking on the project, provide the following additional	
I	information regarding all trucks the DBE will use to perform the work. Complete all fields for each truck:	
l	LIC. PLATE NO. MAKE / MODEL OWNER NAME DRIVER NAME OWNED/LEASED DBE/NON-DBE	
l	W W-#	
I	Optional: Instead, attach a truck list with the required information. Check here if truck list is attached:	
I	Attach agreement(s) for any leased or rented equipment, including trucks. Check here if agreement(s) attached:	
1	D. Supplies and Materials Required	
1	List the supplies and materials to be used on the project. Indicate the source from which the supplies and materials	
I	will be obtained. For a DBE supplier committed to meet a DBE goal, attach documentation showing how the DBE	
<u> </u>	meets manufacturer, regular dealer, or broker requirements, as applicable to the credit being claimed. Complete all	
	fields for each supply or material item:	
	TYPE OF SUPPLY OR MATERIAL BUSINESS NAME OF SOURCE SOURCE CONTACT PERSON NAME SOURCE PHONE NO.	
<i> </i>		
		13
26		
NOT THE SECOND P	734-2165A (1/2014) Page 1 of 2	

				and and a distance		
			Show Inst	ructions Hide Instru	ctions	
	E. Prime Contractor Resources					
	Describe any plans for the DRF	: E to share anv r	resources of the prime contractor. Prior consent rec	ruired Complete all		
	fields for each resource:	_ to share any i	coduces of the prime contractor. I not consent to	quired. Complete all		
	DO YOU PLAN TO USE ANY OF THESE PRIME CONTRACTOR RESOURCES? YESIN					
			BE .			
		▾				
		•				
		•				
		⊡				
	F. Additional Information					
			mation provided above. Include any plans the DBE	has to subcontract		
	work to a lower tier or perform	work through a	specialty contractor.			
	COMMENTS OR EXPLANATIONS					
	The work plan must be signed by t					
			contained in this report is true and accurate to the b	est of your		
	knowledge, and that you are autho					
	DBE SUBCONTRACTOR PRINT NAME AND TITLE		DBE SUBCONTRACTOR SIGNATURE	DATE		
	PRIME CONTRACTOR PRINT NAME AND TITLE		PRIME CONTRACTOR SIGNATURE	DATE		
	PRIME CONTRACTOR PRINT NAME AND TITLE		Y SONTRACTOR SIGNATURE	DATE		
			^			
	Reviewers: Identify any concerns v	vith the propose	ed activities meeting DBE program regulations and	, if needed,		
	recommend any corrective action r	equired to com	ply with the regulations.			
	PROJECT MANAGER COMMENTS					
	PROJECT MANAGER PRINT NAME		PROJECT MANAGER SIGNATURE	DATE		
			X			
	OCR FIELD COORDINATOR COMMENTS		•			
14						
<i> </i>	OCR FIELD COORDINATOR PRINT NAME		OCR FIELD COORDINATOR SIGNATURE	DATE		3.4
	OUR PRINT NAME		X	MOTE .		14
			F*			

CUF Reviews

5 factors must be evaluated when determining whether a DBE is performing a Commercially Useful Function:

- Management
- Equipment
- Workforce
- Materials
- Performance





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DBE – CUF Review, Form 3B

The RE/PM or designated representative must perform at least one CUF review for each DBE:

- For <u>each 12-month period</u> the DBE works on the Project (early or peak work is better than waiting until the end)
- When a <u>significant</u> change in the <u>operation</u> of the DBE occurs (new equipment is used or work crews change)
- When a <u>significant Change Order</u> affects the DBE's Work (for example, a new type of work is added)
- After <u>termination and substitution</u> of a DBE (for the new DBE)



COMMERCIALLY USEFUL FUNCTION REPORT - FORM 3B (CUF) Disadvantaged Business Enterprise Contract Information 1. Des Business Sanker 2. SUBCONTRACT ID 2. CONTROCLING CONTRACTOR (F APPLICABLE) 4. CODOT CONTRACT NO. Disadvantaged Business Enterprise information 5. DES PRIMARY OWNER 6. PHONE 7. DES START DATE 8. EST DOS COMPLETION DATE 9. DOS START DATE 9. DES START DAT							Show in	structions	Hide instruction
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	D. Supplies and Mater	ials Required							
	17. List material suppliers	s for bid items observed:							
			ADD	RESS, CITY, STATE	, ZIP				PHONE

E. Prime/Other Resources				
18. Has any contractor performed, on behalf of designated to the DBE?	f the DBE, a substantial amoun	t of work Yes No	IF YES, EXPLANATION REQUIRED	
F. Additional Information				
CUF Reviewer:				
Work Plan Form 3A to determine if there was de	eviation from what was propose	ed by DBE firm and make	elivery tickets, etc.). Compare the completed CUF notes accordingly. Ensure you complete your sect updating. Do not change anything that you did not	tion and comments as appropriate.
			nd accurate to the best of your knowledge and that ort using a password-protected e-mail account is t	
Does the DBE owner appear to have operations	al control over the work contrac	oted? Yes No	EXPLAIN WHY OR WHY NOT (REQUIRED)	
CUF REVIEWER COMMENTS (FIELD EXPANDS AS YOU TYPE	E. CLICK TAB TO SEE TEXT IN EXPANDI	ED FIELD.)		
CUF REVIEWER NAME	TITLE	DATE	REW NUMBER E-MAIL	
Ensure you reviewed the CUF Reviewer finding the requirements to perform a commercially use complete your section and comments as approp mything that you did not enter.	eful function. Review the compli- priate. If previously entered con- ertify that the information contain	eted CUF Report - Form itent needs to be updated ned in this report is true a	d documentation, and determine whether you beli 3B and the DBE Work Plan Form 3A and make no or corrected, please return the form to that person da accurate to the best of your knowledge and that during a new part of the property of the property is in	otes accordingly. Ensure you in for updating. Do not change in you have not altered any
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Paid Summary Reports - Requirements

Required for all projects – with and without DBE goals

Required from Prime and Subcontractors at every tier

Certifying payments have been made to each of the following:

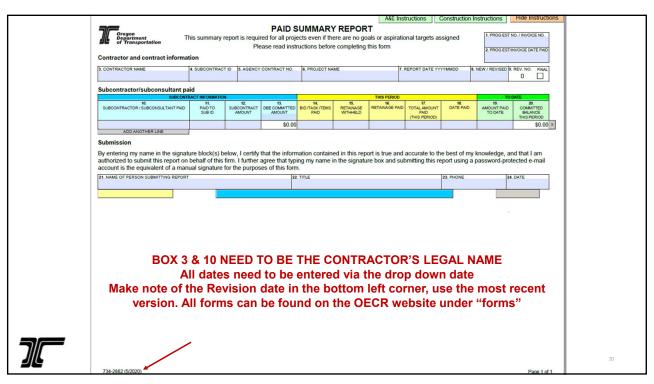
- all subcontractors
- committed DBE suppliers
- non-committed DBE suppliers and service providers with estimated total payments for the project over \$10,000

Committed DBE Trucking Firms

 Submit Paid Summary Reports showing payments to the firms that they lease trucks from



19



Paid Summary Reports

Timing

 For every estimate in which payments are made to subcontractors, submit within 20 days of receipt of payment from the agency or controlling contractor

Submit to

- Prime & Subcontractors submit PSRs to DocExpress
- Local Agency projects submit to the email address provided to the contractor at the Preconstruction Conference. Subcontractors submit to the controlling contractor, and prime submits to the agency
- Keep email chain intact (local agency)



21

Prompt Payment

- Subs must be paid within 10 days from receipt of ODOT payment
- All forms and other documents must be complete
- Applies to all subcontractors (DBE or non-DBE)



22

Monthly Employment Utilization Report

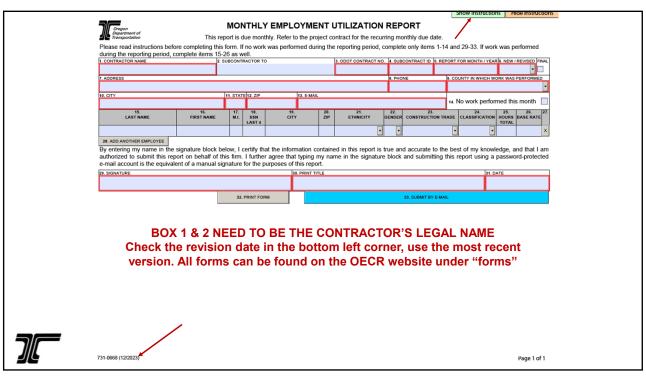
- Per Contract, submit MEURs monthly for all contractors and subcontractors that require certified payrolls
- Due <u>each</u> month from the first month to last month of work, even if work was not performed
- Data is reported to FHWA, Legislators, ad-hoc requests, etc.







23



House Bill 2649

Applies to all public work projects that bid after January 1, 2024.

- 12 % Apprenticeship Utilization Goal has been set for all projects that are over \$ 3 million
- 12% must be met by Prime contractor's workforce (or first tier
 Subcontractor with a \$750,000 subcontract or more)
- Specific worker information will be tracked by the Contractor, this information is captured in the MEUR
- Outreach Plan is required 10 days prior to Preconstruction Meeting
- Final report is due PRIOR TO THIRD NOTE

25

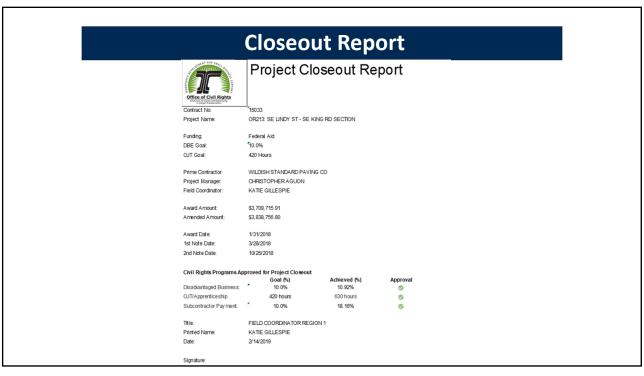
Database

OECR Reporting Tools

An overview of reporting components



	Quarterly Au	dit Sr	napsh	ot				
OCR COMPL	ANCE REVIEW REPOR							
Contract Number/Key Number	15288/KN 20187 - SECOND NOTE							
Project Name	CITY OF SALEM SIGNAL ENHANCEMENTS (UNIT 3)							
ODOT PM / RE	SCOTT MANSUR							
Local Agency or Consultant								
Region	2							
Reviewed By	ALYSSA SOOTS							
Reviewed Date	3/11/2024							
Prime Contractor	LANTZ ELECTRIC INC							
Program	Contract / Firm Name	Program Defi	iciency					
Subcontractors	⊕For Review ≎	2 Firms on Con	tract					
DBE Payments	ENO Issues	DBE Goal 10.00 % Contract Amout \$635,822.00	DBE Award Committed % 10.33 %	DBE Payment Race Concious % 10.33 %	DBE Payment Race Neutral % 6.75 %			
	Total DBE Usage:	\$65,669.00	\$65,669.00	\$108,607.14	\$108,607.14			
	Firm Name	Sub Agreemen	nt Committed	DBE Payment	DBE Credit			
	01-D & H FLAGGING INC	\$65,669.00	\$65,669.00	\$108,607.14	\$108,607.14			
Apprentice/OJT	No Issues	0 hours of 0 Goal; CPS Hours						
EEO Female Utilization	For Review	7.55 %						
EEO Minority Utilization	For Review	14.65 %						
3A Workplan	⊞ No Issues	0 Missing 3A Workplans						
CUFs	⊞ No Issues	0 Missing CUFs	3					
MEURs	⊞ No Issues	0 Missing MEUR	Rs for 15288					
PSRs	■ No Issues		0 Firms Missing Payn	nents				
TPARs/ATARs/MPRs		Craft	Employees	TPAR Hrs ATA	AR Hrs MPR Hrs			



Contact Us

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Title VI Program Manager: Brenda Gessner, Brenda.J.GESSNER@odot.oregon.gov

 $\textbf{Intermodal Civil Rights Manager: Carroll Cottingham,} \underline{\texttt{Carroll.J.Cottingham@odot.oregon.gov}}$





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