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| <div></div> <div><p>Bulletin</p><p>Statewide Programs Unit</p><p>Certification Program Office</p><p>(CPO)</p></div> | NUMBER | 101-76 | SUPERSEDES | LPA A&E Requirements Guide Section 3.4 |
| | EFFECTIVE DATE | 02/13/2025 | PAGE NUMBER | Page 1 of 5 |
| | REFERENCE | ODOT Certification Program | | |
| | TARGET AUDIENCE | Certified Local Public Agencies, Region Managers, Area Managers, Local Agency Liaisons/Transportation Project Managers | | |
| SUBJECT | CC ODOT Statewide Investments Section Manager, Statewide Programs Unit, Office of Equity & Civil Rights, Office of Procurement, FHWA | | | |

PURPOSE:

To notify Certified Local Public Agencies (LPAs) about changes to the Disadvantaged Business Enterprises (DBE) goal setting process for architectural and engineering-related services (A&E) consultant contracts.

BULLETIN INFORMATION:

Background: Certified LPAs are required to follow DBE goal setting procedures for consultant contracts as set out in LAG manual Section C, Chapter 8, subsection C and LPA A&E and Non-A&E Requirements Guides Section 3.4. ODOT Office of Equity & Civil Rights recently updated the DBE goal setting process *for A&E consultant contracts*. There are no changes to the existing non-A&E goal setting process.

The goal setting process set out in the currently published LPA A&E Requirements Guide, Section 3.4 is superseded by this bulletin until updates to the guidance are completed.

DBE Goal Setting Process for A&E Consultant Contracts:

The complete text of Section 3.4 of the LPA A&E Requirements Guide is shown below. Revisions to the section are shown in underlined text.

3.4 Disadvantaged Business Enterprise (DBE) Goals

ODOT Office of Equity and Civil Rights (OECR) is required to establish DBE Goals and administer the DBE Program for projects with federal aid funding, including projects let and administered by LPAs.

3.4.1 Standard Goals

The following standard goals apply to any contract that includes \$1 or more of FHWA funding:

- **No goal** - if any of the following applies:
 - Under \$100,000 (including any anticipated amendments)
 - Single discipline contracts, regardless of dollar amount
 - Emergency Repair (ER) contracts that are necessary to immediately restore essential travel, minimize the extent of damage, or protect the remaining facilities

- 5% - \$100,000 or more AND includes 2 disciplines
- 7.5% - \$100,000 or more AND includes 3 disciplines
- 10% - \$100,000 or more AND includes 4 disciplines
- 12.5% - \$100,000 or more AND includes 5 disciplines
- 15% - \$100,000 or more AND includes 6 disciplines

See Attachment A (included at the end of this bulletin) for guidance in determining the number of disciplines. **Note:** Disciplines are shown in **bold** text on the attachment.

Goal exception request -

- For \$100,000 or more AND includes more than 6 disciplines: Contact OECR to request an exception. Email DBE Manager and ocr.psk@odot.oregon.gov
- Request an exception to the Standard Goal: If an agency project manager can justify that a goal should be adjusted from the assigned tier, the project manager may contact the DBE Program Manager and send the request to ocr.psk@odot.oregon.gov.

3.4.2 DBE Related Forms and Procedures

[The forms referenced below are available at the following OCR Forms page (under DBE Forms, and Other Forms): <https://www.oregon.gov/ODOT/Business/OCR/Pages/Forms.aspx>.]

- Include the DBE goal or “No-Goal” in the solicitation (if applicable) and contract.
- Ensure contract and solicitation documents include the applicable “Goal” or “No-Goal” DBE provisions that are included in the RFP and Contract templates.
- The LPA shall ensure the consultant submits all DBE related forms and reports required by the solicitation and contract provisions including:
 - **Committed DBE Breakdown and Certification Form(s)-AE (form 734-5235)** - For Contracts with an assigned goal greater than zero, Consultant must complete a Committed DBE Breakdown and Certification Form (**prior to Contract execution**) for each DBE subcontractor (at any tier) whose work is committed toward meeting the assigned contract goal. LPA reviews and emails the form(s) to ocr.psk@odot.oregon.gov (with cc to ODOT Local Agency Liaison) for approval prior to Contract execution. See additional instructions on “Instructions” tab of the form. This form is also required for any proposed substitution of DBE subcontractors.
 - **Paid Summary Report (form 734-2882)** – Consultant shall complete and submit initial, intermediate and final Paid Summary Report(s) per the instructions on the form. Consultant must report payment information for all subcontractors and suppliers used under the Contract throughout the period of performance. **This reporting is required for all Contracts that include subs, regardless of whether or not a DBE goal is assigned.** LPA shall follow instructions on the Paid Summary Report and submit the completed form to OCR (with cc to ODOT Local Agency Liaison)

- Once the project has been awarded, email the **Notice of Award (form 734-2849)** to the OCR PSK mailbox (ocr.psk@odot.oregon.gov) within 3 days of contract award.
- Email copy of all executed A&E contracts and amendments that include FHWA funding (this includes “Goal” and “No-Goal” contracts) to ocr.psk@odot.oregon.gov.

Effective Date: Certified LPAs should use the revised goal setting process for A&E consultant contracts advertised or solicited **on or after March 1, 2025**.

Action Required: Complete [Bulletin 101-76 Acknowledgement Survey](#) by **February 26, 2025**.

Technical Assistance: Questions relating to the DBE goal setting process generally should be addressed to [Diponker Mukherjee](#), ODOT DBE Program Manager. Questions relating to DBE goal setting for a specific project should be addressed ocr.psk@odot.oregon.gov.

Webpage links: [Certified Local Agency Resources for Consultant Selection](#)

Questions, concerns, or need an ADA accommodation or alternate format? Please contact us at:

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| Tiffany Hamilton Local Agency Certification Program Manager ODOT Statewide Programs Unit Tiffany.HAMILTON@odot.oregon.gov 503-551-6277 | Certification Program Office ODOT Statewide Programs Unit Statewide Investments Management Section ODOTCertification@odot.oregon.gov |
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ATTACHMENT A – A&E and Related Services Disciplines

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| Typical A&E and Related Services Disciplines used on Transportation Projects (Select disciplines with closest fit. Tasks/disciplines in statement of work do not need to match naming conventions below) (Text in bold are the disciplines) |
| Project Management |
| Planning Services |
| Bike/Ped studies |
| Economist/Market studies |
| Modeling |
| Parking Studies |
| Land Use Policy/Code Development |
| Sustainability |
| System Development Charges (SDC) |
| Transit studies |
| Other: _____ |
| Survey |
| Mapping |
| Photogrammetry |
| Environmental Services |
| Archaeology |
| Cultural/Historic Resources |
| Air Quality |
| Biology |
| Noise Studies |
| Water Resources Studies/Analysis |
| Water Quality Studies/Analysis |
| Wetlands |
| Visual Resources |
| Hazmat |
| Local Permits |
| NEPA |
| Reports |
| Other: _____ |
| Public Involvement - |
| Facilitation |
| Public Information |
| Utilities Support/Coordination |
| Railroad Support/Coordination |

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| Geotechnical/Geologic Services |
| Hydraulics - Water Resources Design |
| Storm water/Drainage |
| Fish Passage |
| Design and Engineering Specialties |
| Roadway Design |
| Pavement Design |
| Movable Bridge Engineering |
| Steel Bridge |
| Concrete Bridge |
| Timber Bridge |
| Bridge Rail replacement |
| Historic Restoration – timber, steel or concrete |
| Interchange design |
| Load Rating |
| Context Sensitive Design of Structures, Tunneling, etc |
| Lighting |
| CAD Services |
| Drafting |
| Retaining Walls |
| Traffic Engineering & Management |
| Traffic signals |
| Illumination |
| Traffic analysis & control plans |
| Landscape Architecture |
| Right of Way |
| Right of Way Appraisals |
| Right of Way Acquisition |
| Right of Way Condemnation services |
| Construction related services |
| Construction Inspection (quality control) |
| Construction Management |
| Materials Testing |