



KEY FINDINGS:

ODOT has low capacity for new strategies to expand BIPOC contracting.

ODOT lacks internal systems to assess contracting diversity and depends on other institutional bodies for program implementation.

ODOT has burdensome requirements and policies, pre- to post-bid.



Anti-Oppression Barriers Analysis

October 2021

In spring 2021, Ontiveros and Associates was hired by the Oregon Department of Transportation (ODOT) to identify barriers preventing firms of color from bidding on agency work. The team reviewed internal documentation, interviewed and surveyed staff, gathered data from comparable agencies across the U.S. and consulted relevant case law.

Resource constraints emerged as the top barrier to the agency's ability to create change. Overall, **staff want to make changes but lack the resources to do so effectively.**

- ODOT's staff-per-\$1B ratio is lower than many states
- Staff surveyed reported "not enough staff" as a top barrier to diverse contracting
- Frequently-shifting priorities and limited guidance on how to implement new policies compound the challenge for staff

Based on the research, **firms of color face barriers both pre-bid and post-bid**, including:

- Difficult online portals to navigate
- Cumbersome bidding process
- Overly burdensome insurance and bonding requirements
- Cashflow problems due to length of time between costs incurred and payment received
- Burdensome contractual requirements, submittals, including invoicing and reporting
- Favoring prior ODOT experience makes it difficult to expand the pool of qualified firms
- Large scope sizes limit participation from small and emerging businesses
- COBID certification process is onerous and time-consuming
- Lack of engagement strategy with firms of color results in them often not knowing about upcoming work until it's too late



Anti-Oppression Barriers Analysis

Continued

KEY FINDINGS:

ODOT applies a self-limiting approach when evaluating DBE firm availability.

ODOT underutilizes strategies that would encourage BIPOC firm participation.

Practices of exclusion persist.

There are many ways ODOT can expand opportunities to firms of color. Watch for the Solutions Report later this year.



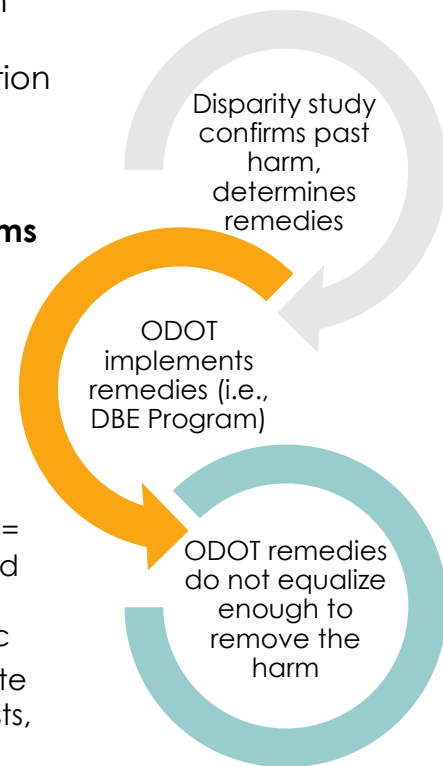
ODOT relies on data from disparity studies to determine DBE participation needs and goals, but **methodologies used in recent disparity studies appear to undercount firms of color.**

Additionally, ODOT underutilizes strategies maximizing opportunities for firms of color:

- **Technical assistance** = provided through third parties and appears informal, not strategic
- **Outreach** = inaccurate procurement forecasts, no formal, strategic outreach plan
- **Mentor-Protégé Program** = uses the Port of Portland's

Procurement methods also stand in the way of diverse participation on ODOT contracts.

- Most procurements are "low bid"
- Many procurements require pre-qualification or pre-registration to bid
- Regional procurement forecasts are not accurate
- Procurements under \$100,000 are ideal for expanding access but are not currently leveraged to do so



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