

DBE Requirements:



YES, THEY APPLY TO YOU!

DBE Basics

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- **Disadvantaged Business Enterprise (DBE) provisions apply to USDOT (including FTA) assisted contracts**
- **FTA planning, capital, and/or operating assistance spent on contracts**
- **WisDOT Transit DBE program addresses FTA funded contracting activities by WisDOT and subrecipients**

What is a Contract?

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- **Contract – A mutually binding legal relationship obligating a seller to furnish supplies or services (including construction) and the buyer to pay for them.**
- **Contracts include a subrecipient’s contract with a vendor or contractor, including procurement by purchase order or purchase by credit card, which is financed with FTA assistance.**
- **Contracts do not include grants and cooperative agreements.**

DBE Objectives

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- **Ensure nondiscrimination in the award and administration of DOT-assisted contracts**
- **Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts**
- **Help remove barriers to the participation of DBEs in DOT-assisted contracts**
- **Promote use of DBEs in all types of DOT-assisted contracts and procurement activities**

Goals and Goal Setting

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- Overall Transit DBE goal established every three years
- Goal of 1.85% effective October 1, 2019
 - Race Neutral(RN)/Race Conscious (RC) goal split
 - ✦ Race Neutral = 1.63%; Race Conscious = .022%
- Contract specific goals established as needed to assist in attaining overall goal

Contract Goals

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- **Upcoming contracts reviewed for suitability of a contract goal**
 - Does the contract have subcontracting opportunities?
 - Are there ready, willing, and able DBE firms?
 - Has the overall DBE goal been met?
- **Contract or Discretionary goal established**

Reporting on Contracts

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- **Did you use FTA money to:**
 - Buy stuff?
 - Build stuff?
 - Plan stuff?

If yes, then you need to submit a quarterly report.

Reporting on Contracts continued

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- Report on each FTA-assisted contract
- Each contract reported twice, once at contract award and once at contract completion
- Quarterly reporting required
 - January – March report due on April 15th
 - April – June report due on July 15th
 - July – September report due on October 15th
 - October – December report due on January 15th

Reporting on Contracts continued

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- Report contracts regardless of whether there are contract goals or any DBE involvement
- Include information on subcontracts
- Include upcoming contracts anticipated for the next reporting period
- Submitted to **Program Managers** using form/spreadsheet issued by WisDOT

DBE Provisions

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- **Contract Assurance**
 - Adhere to 49 CFR Part 26
 - Condition of receiving FTA assistance
 - Requirements applied at contract level
- **Transit Vehicle Manufacturer Certification**
 - Separate DBE program for TVM
 - TVM definition
 - Process, Contract clause, Certification

DBE Provisions continued

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- **Prompt Payment**
 - Applies to all contracts with subcontracts
 - Payment by Prime Contractor to their subcontractors
 - Within 10 calendar days
 - Includes return of retainage
- **Bidders List**
 - Comprehensive list of vendors bidding on Transit contracts
 - Used in goal setting

Procurement Process

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- Contract solicitation initiated with the WisDOT **Procurement Manager**
- **Procurement Manager** ensures current DBE contract language included in solicitation documents
- No contract awards proceed without **Procurement Manager** signoff

Contract Goals Revisited

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- **Contract goal established**
- **Additional solicitation requirements**
- **Bidders to achieve contract goal, or**
- **Demonstrate Good Faith Efforts to achieve goal**
- **Once contract is signed, goal now becomes a contract commitment**

Contract Monitoring

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- **DBE subcontracts**
 - Progress toward goal
- **Prompt payment to subcontractors**
 - Log of payments

Expectations

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- **Subrecipients**
 - Submit Quarterly Contract Reports on time
 - Initiate contract solicitations with **Procurement Manager** with ample time to address requirements
 - Coordinate with WisDOT staff when separate contract goal is established
 - Attend to record keeping on an ongoing basis
 - Seek assistance from WisDOT staff with DBE questions

Expectations continued

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- **WisDOT**
 - **Program Managers** collect and compile Quarterly Contract Reports
 - **Procurement Manager** assists in completing procurement process through contract award
 - **DBE Compliance Manager** handles goal setting, reporting to FTA, and contract boiler-plate language

Contact Information

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Comments and Questions?

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