

May 2022 Questions from contractors

Q. The new rubric for FFY2023 will require a yellow or green rating in sound reasoning. With that in mind, what are the most important things prime contractors can do to achieve that rating?

- Be creative and give greater scrutiny to quote(s) that can help your company reach the DBE goal. For example, if your company receives an incomplete DBE quote for a work type that a non-DBE provided a complete quote:
 - Carefully compare both quotes
 - Look for logical items that could be grouped together as a smaller DBE package
 - Contact both companies to see if there is interest and flexibility to untie some items so the DBE firm can receive a partial award. This may or may not result in an award to a DBE, but it highlights to our office that an earnest and sincere attempt was made to increase DBE participation and meet the DBE goal.

- Use the **prime contractor comments** field in the **solicitation tab** of the DT1202 Excel Workbook to provide more information and context regarding the bid letting process so the DBE Office is aware of the challenges that were present for a particular proposal. For example:
 - Municipality where project is located decided to supply a certain material – limited DBE opportunity
 - DBE trucking opportunity is limited and all DBE trucking firms contacted stated the project is too far away for the amount of work

- If you are not doing so already, create a solicitation letter or email template and solicit WisDOT subcontractors the same time your company is soliciting DBEs. Strongly encourage WisDOT subcontractors to utilize DBE materials, supplies, and/or DBE trucking in their quote. Evaluate quotes based on the amount of DBE participation the WisDOT subcontractor can provide.

Q. We continue to receive questions about the dbe.bin file. Please see these previously submitted questions and answers:

Q. Do I need to download a new dbe.bin file each month?

A. Yes, you must download the new dbe.bin file monthly to ensure you have the most current list of certified DBEs. The dbe.bin file must be saved in the same folder of each of the .ebxs Project Bids file. The bin file is also updated approximately 10 days before the letting to ensure that newly registered DBEs are included in the file.

Bid Express® service at Bidx.com® and submitting DBE Commitments electronically at time of bid- If you were unable to attend, additional information can be found at infotechinc.com/bidx. You can also find a [session recording](#) (Access Passcode: Y3i8S=yc).

Q. How do we submit DBE credit at time of bid if the DBE is not listed in the BIN file?

A. Email the DBE Office and copy Madalena (DBE_Alert@dot.wi.gov + madalena.maestri@dot.wi.gov) to confirm the DBE is certified. If the firm is certified then submit a pdf file of form DT1506 (Commitment to Subcontract to DBE) with your bid along with quote or Attachment A's. Do not enter the DBE (partial) commitment again directly with your bid in BidX; just attach the DT1506 on the Miscellaneous tab.

March 2022 Questions from contractors

Q. On the initial DT1506/E1506, how is assigned versus voluntary DBE commitment determined?

A. The order you list the DBEs in on the commitment won't actually matter. That is- if you need \$65,000 to meet your DBE goal and you put a \$15,000 commitment on line 1 and \$65,000 commitment on line 2, we'll take the \$65,000 towards the goal and everything else on the commitment will go neutral. The Compliance Specialists have the worksheets we provide with the breakdown of assigned and neutral so you should see that initial commitment showing accurately in CRCS too.

January 2022 Questions from contractors

Q. When should prime contractors notify DBEs that the prime contractor's bid is the apparent low bid?

A. ASAP. Each prime contractor will have a different procedure, but please make sure DBEs are included with all other subcontractors with this notification. Please also update DBEs if the bid is rejected as well.

Q. Can a prime contractor include sales tax and freight when calculating 60% on a materials quote?

A. Yes, sales tax is a cost of the product and would be paid as part of the contract for completion of the item. Similar to a delivery charge which may or may not be reflected under mobilization. There is nothing in the regulation that refers to excluding sales tax from a DBE crediting perspective, and since it does represent a portion of your full cost, I do not see a reason to deduct it from the DBE quote.

Q. If a prime contractor completes the DT1202 Excel Workbook, is a signed DT1202 form still necessary?

A. Yes, please refer to the Table of Contents tab in the DT1202 Excel Workbook where it is listed as the first item. Ideally the signed DT1202 form will be the first document in the prime contractor's pdf documentation part of the GFE submittal.

Q. What should do a prime contractor do if they receive updated and/or bad contact information from a DBE?

A. On your solicitation logs, please be as clear as possible if a DBE indicates that they no longer want to be contacted. Does it mean they no longer want to be listed in the UCP DBE Directory or that they no longer want to be contacted by your company. The DBE office does have an internal process to follow up with DBEs when we receive this information.

Also, continue to send any updated DBE contact information you receive. The information is reviewed and the UCP DBE Directory will be updated accordingly.

Q. How can prime contractors find out which DBE firms are new and have been added to the UCP DBE Directory?

A. Starting January 28, 2022, the DBE office will send out a monthly list of new DBE firms added within that particular month. This monthly list will be sent out at the end of each month.

Q. Are cross-outs on the Attachments A allowed?

A. No, cross-outs are not allowed on Attachments A. If the DBE commitment amount changes, please work with the DBE to get a revised version signed. Again, beginning February 2022:

- Prime contractors do have an additional hour to submit Attachments A and/or quotes through eSubmit.
- The DBE office will no longer be reaching out to prime contractors for missing or incomplete information.

December 2021 Questions from contractors

Q. Can a prime contractor use their mentor-protégé quote for DBE credit?

A. Yes, with the following restrictions: A mentor can receive credit working with their protégé. When the mentor is the prime on the project then only every other project in which the pair works together will count for credit. If the mentor is not the prime and brings the protégé in as a sub that DBE credit is not restricted because the mentor is not claiming the credit when they are not the prime.

Q. If a prime contractor self-performs a work type, when does a prime contractor need to provide a quote?

A. If a prime contractor has a GFE request, the prime contractor must provide their quote if a DBE also quoted the work type and was rejected. Per: 49 CFR 26.53(b)(2)(vi): If the contract goal is not met, evidence of good faith efforts must be submitted (see Appendix A of this part). The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract. The prime is in the category of a non-DBE subcontractor when selected over a DBE. Self-selection is not forbidden but the prime has to document a basis for comparison in order to have determined that the DBE's quote was not reasonable.

Q. Will future updates to the UCP Directory include a county column of where the DBE is located?

A. The DBE office will look into the feasibility of this feature as we continue to improve the Directory. In the meantime, prime contractors can use the interactive map to see exactly where the DBE is located:

<https://wisdot.maps.arcgis.com/apps/webappviewer/index.html?id=c7bfb3407c7d4e9dadbf0ccdf1d1cce4>

Q. How should prime contractors use the quote analysis tool in the DT1202 Excel Workbook Tab – Intent to Award by Work Type?

A. This tool is Excel formula ready and an additional resource to evaluate a DBE quote against a non-DBE quote(s). For example, if a prime contract has 3 quotes (1 DBE and 2 non-DBE) for sawing, prime contractor can determine the percentage and dollar amount difference between the quotes. Use the results in the sound reasoning section of the template to explain why or why not your company decided to award a DBE firm or a non-DBE firm.

Q. How should the Attachment A be completed for trucking if the trucker has only provided an hourly quote?

A. The prime should estimate how many hauling hours are anticipated for the DBE, multiply by the hourly rate, complete that portion of the Attachment A, and send to the DBE for signature. Alternatively, the prime can inform the DBE how many hours they will be using DBE hauling services for, and the DBE can complete and sign the Attachment A and send it to the prime. Remember to fill in the number of trucks owned/leased and DBE/non-DBE.

Q. What is the file size limit for attaching DBE documents?

A. There is a 5mb size limit in BidX. Reduce your Attachments A as much as possible before creating your pdf for upload. There will be an additional field for attachments in January so you can split larger files as needed.

November 2021 Questions from contractors

Q. How do I sign up for eSubmit?

A. Follow these instructions: <https://wisconsin.gov/Documents/doing-business/civil-rights/dbe/esubmitt-notice.pdf>

Q. Are there new instructions for BidX [DBE documentation]?

A. Yes- follow this link: <https://wisconsin.gov/Documents/doing-business/civil-rights/dbe/ebiddingdoc.pdf>

Q. I missed the BidX refresher session. Is it posted online?

A. Yes- follow this link to [view a recording of the session](#) (Access Passcode: [y0@gzM@^](#)).

Q. Do I need to submit a pdf of the DT1506 if I enter the DBE commitment on the DBE tab in BidX?

A. No. You need to either attach the DT1506 as a pdf or enter the DBE commitment manually. Note, if you do not enter any items on the DT1506/Commitment tab it will appear as though you have an error when submitting the bid. As long as you have attached your pdf DT1506 that error can be ignored. BidX will allow you to submit the bid with errors.

Q. Do I have to submit Attachments A and DBE quotes with my bid?

A. No, you can submit either Attachments A or the DBE quotes for the DBEs included on the commitment. However, for any quote submitted without an Attachment A, you must submit the Attachment A via eSubmit (preferred) or the DBE Alert email box.

October 2021 Questions from contractors

Q. Are specialty items eligible for goal credit and can be listed on the DT1506/Attachment A?

A. Yes, if the DBE is doing work that can be associated with the project and the project has federal funds, you can include the DBE for credit (assuming the DBE has the appropriate NAICS code to do that type of work).

Q. [Prime] has recently completed a WISDOT job and we have learned that one of our subs did not fulfill their DBE commitment. One of our subcontractor's had a trucking agreement with a DBE trucking firm. But they sent leased trucks rather than owned trucks, which failed to fulfill the DBE commitment, which caused me to fail to meet the DBE goal. Because it was a smaller job and the asphalt paving was at the end of the job, there was no way for us to try and compensate for this change. I'm reaching out to determine what I need to do about this moving forward.

A. You can handle this like you would if a DBE did not send the trucks to you as the hiring tier. I always recommend that the prime document a conversation in writing (email works) with the DBE confirming the situation. The DBE should respond to that message. Assuming the DBE is in agreement with your summary then you send that email along with a new Attachment A to the DBE Alert, copy the Project Engineer and Compliance if you know who the specialist is. You'll want to include a brief description of the situation with your email letting us know of the shortfall. *Note- a DBE must have at least one owned truck (or a truck that they lease) onsite for credit to be counted towards the goal. The DBE may then have DBE and non-DBE trucks leased on and we will figure the credit accordingly.

September 2021 Questions from contractors

Q. We see that there are two formats to the Attachment A. Does the new format have to be the one filled out and submitted with the bid? Looks like some of our subs are still sending in attachment A's on the old format sheets.

A. Ideally the Attachment A used is the new one because it includes both DBE total subcontract value and credit value, as well as making the date for DBE signature more clear.

<https://wisconsin.gov/Documents/formdocs/dt1506.pdf> These were all updates to hopefully minimize inadvertent errors or omissions for contractors. However, we will accept any version of the Attachment A (signed) to meet regulatory requirements indicating that the DBE accepts the commitment.

August 2021 Questions from contractors

Q. Can I submit my bid if errors are showing in BidX?

A. Yes. Errors will appear if you did not meet the assigned DBE goal or if you uploaded a DT1506 instead of entering the DBE participation into the bid. This is ok- continue with submitting your bid. Bid Item errors will cause an invalid bid.

Q. eSubmit- Is there a way to look up your activity, that is, can the contractor sign in and see what documents they have uploaded in the past?

A. No. eSubmit was not designed to hold any historical information as it does not have any data store to hold the information.

Q. Does eSubmit time out? Will you have to log back in after being active for a certain amount of time?

A. Yes, the user will need to log back in after 30 minutes of idle time (inactive)

Q. Do I need to download a new dbe.bin file each month?

A. Yes, you must download the new dbe.bin file monthly to ensure you have the most current list of certified DBEs. The dbe.bin file must be saved in the same folder of each of the .ebxs Project Bids file. The bin file is also updated approximately 10 days before the letting to ensure that newly registered DBEs are included in the file.

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Questions from contractors July 2021

Link to Discretionary goal overview: <https://wisconsindot.gov/Documents/doing-bus/civil-rights/dbe/discretionarygoal2021.pdf>

Q. In the PDF for a *Federal Project with a 0% DBE Goal* – I understand you would still like to receive DBE Commitments if DBE Firms are utilized. If at bid time we do not have DBE Firms and thus we do not submit a DT 1506, but two months into the project we hire a DBE Trucking Firm – how do we handle this? Do we submit both a DT 1506 and an Attachment A at that time? Or, because a DT 1506 wasn't submitted within 24 hours of bid, nothing can be counted?

A. When there is no assigned DBE goal the DBE documentation is not required within 24 hours of bid. However, we are encouraging bidders to submit the DBE participation they have at time of bid within that 24 hours so that we can review and track the credit as soon as possible. Anytime you add a DBE you should submit a signed Attachment A. If you did not have an initial commitment with bid, then please submit the DT1506 at the time you do add DBEs. If you continue to add DBEs to the project you will only need to submit the Attachment A's at that point; we will update the DT1506 on our end.

Q. In the PDF for a *Federal Project with 1% Goal* – it states “A PDF of all quotes and attachment a's is required at the time of bid. If a quote is submitted at the time of bid, an attachment a signed by the DBE must be submitted within 24-hours” I confirmed this detail prior, but want to clarify and sure there is no change – we don't have to submit BOTH with the bid, correct? We submit signed Attachment A's with the bid, and if we don't have an Attachment A at that time we submit the QUOTE and get the Attachment A within 24 hours, correct?

A. This is correct- at time of bid you can submit EITHER quotes or Attachment A's but you don't need to submit quotes for the DBEs you have an Attachment A for. If you were missing any Attachment A's at bid time, submit them within the 24-hour window.

Q. How do we submit DBE credit at time of bid if the DBE is not listed in the BIN file?

A. Email the DBE Office and copy Madalena (DBE_Alert@dot.wi.gov + madalena.maestri@dot.wi.gov) to confirm the DBE is certified. If the firm is certified then submit a pdf file of form DT1506 (Commitment to Subcontract to DBE) with your bid along with quote or Attachment A's. Do not enter the DBE (partial) commitment again directly with your bid in BidX; just attach the DT1506 on the Miscellaneous tab.

Q. How do we enter a supplier in BidX if they are installing the product and qualify for 100% credit?

A. Select “Subcontractor” under the “Used As” field on the DBE Commitments/DT1506 tab. Indicate that the supplier is installing the product on the Attachment A.

Q. How do we handle reductions in DBE commitments caused by WisDOT or by the DBE who cannot perform the work or provide the supplies?

A. Follow the DBE Commitment Modification Policy in ASP-3. in case of reduction by WisDOT- notify the DBE of the change as soon as you become aware of it. Send a message to the DBE Alert mailbox, copy the Project Engineer/PL, and inform us of the change, the reason, and that you have notified the DBE. A DBE Program Engineer/PL will revise the commitment and remind you to continue to add DBEs to the project wherever possible. Submit a new Attachment A when you add new DBEs or increase existing commitments.

In the case that the DBE has notified you that they cannot perform the work or provide supplies, send a message to the DBE Alert mailbox, copy the Project Engineer/PL, and include documentation from the DBE informing you that they cannot fulfill the commitment. A DBE Program Engineer will follow up with you.

In the case that the DBE fails to perform work that meets project standards, inform the DBE about your concerns in writing. Inform the Program Engineer and then contact the DBE Office to discuss the potential need to replace/reduce the DBE's commitment. Send copies of your communications with the DBE to the DBE Alert and copy the Project Engineer/PL. A DBE Program Engineer will determine next steps with you.

In all cases of reduced DBE commitment- the prime should continue to add DBEs to the project wherever possible and submit additional participation on Attachment A to the DBE Alert mailbox.

Q. What is the incentive for contractors to submit an Attachment A for DBEs added to projects after contract execution?

A. All verified DBE participation after the Initial commitment (DT1506) is counted towards the overall annual goal as neutral attainment. The regulation (49 CFR Part 26) requires that the overall goal be met with as much neutral participation as possible. When the data shows that we are likely to achieve the overall annual goal through neutral participation we begin lowering or removing assigned goals at the proposal level. However, the upfront goal will only be lower if DBEs are continued to be added to projects at bid and following contract execution. If DBE commitments decline then assigned goals will rise to keep us on track towards achieving the overall goal.