

**Washington State Department of Transportation's
Proposed Federal Transit Administration
Triennium DBE Goal**

The Washington State Department of Transportation (WSDOT) submits this Disadvantaged Business Enterprise (DBE) goal methodology to the U.S. Department of Transportation's Federal Transit Administration (FTA) for review and approval pursuant to 49 CFR § 26.45 to establish the triennium DBE goal for its federally-assisted transit contracts for Federal Fiscal Years (FFY) 2011, 2012 and 2013 (hereinafter the "triennium"). WSDOT has established a proposed triennium DBE goal of 7.51%.

WSDOT determined the triennium DBE goal by establishing a Step One base figure. This was achieved by calculating the relative availability of DBEs statewide and a Step Two adjustment based on the information gathered in the WSDOT commissioned Availability Study, entitled "Race, Sex, and Business Enterprise: Evidence from the State of Washington" ("Study"), from NERA Economic Consulting, a nationally recognized economics consulting firm. A portion of WSDOT's triennium DBE goal is based on a projected amount of race-conscious participation of 7.25% and race-neutral participation of 0.26% which WSDOT expects to attain in the triennium.

1. Methodology and Evidence

a. Step One Base Figure

WSDOT is anticipating receiving \$89,864,745.00 in FTA financial assistance during the triennium. This projection was determined by evaluating the Washington State Ferries ("WSF") projects awarded in State Fiscal Year 2010¹ and multiplied the total federal award by three (3). Additionally, WSDOT receives FTA financial assistance for its Public Transportation Department ("PTD"). As PTD awards grants to subrecipients (e.g. rural transit providers) on a biennium (i.e. two Washington State Fiscal Years) basis, WSDOT multiplied the grants awarded by PTD by one and a half (1.5) to determine an estimated award amount for the upcoming triennium. This estimate is illustrated as follows:

WSF State Fiscal Year 2010 FTA Financial Assistance

\$18,100,873.30 x 3 = \$54,302,619.90

PTD State Fiscal Biennium 2011-2013 FTA Financial Assistance

\$23,708,083.40 x 1.5 = \$35,562,125.10

Total Projected FTA Financial Assistance

WSF Projection + PTD Projection = Triennium FTA Financial Assistance Projection

\$54,302,619.90 + \$35,562,125.10 = \$89,864,745.00

Pursuant to 49 CFR § 26.45(2) the calculations of the Triennium DBE Goal and projections of FTA financial assistance exclude transit vehicle manufacturer purchases.

¹ June 1, 2009 through June 30, 2010

Per 49 CFR § 26.45(b) the “triennium goal must be based on demonstrable evidence of the availability of ready, willing and able DBEs relative to all businesses ready, willing and able to participate on your DOT-assisted contract...” WSDOT began the triennium DBE goal setting process by determining a base figure for the relative availability of DBEs. This was done by examining projects with FTA financial assistance let in previous years. Each project was evaluated and assigned North American Industry Classification System (NAICS) Code(s). The DBE availability percentage was then calculated by determining the number of ready, willing and able DBEs divided by all firms which are ready, willing and able to perform the same work. For example:

$$\frac{\text{Ready, willing and able DBEs}}{\text{All firms, ready willing and able (including DBEs and non-DBEs)}} = \text{Step One Base figure}$$

The number of ready, willing and able DBEs was calculated by determining the number of certified DBEs, utilizing the Directory of Certified Firms², in each NAICS code. To determine the number of all firms ready, willing and able, WSDOT utilized the Census Bureau’s Washington State database. The calculations for the Triennium DBE Goal are illustrated in detail below.

NAICS Code	Total Triennium Projection
236220 - Bus Shelter Construction	\$32,400.00
237310 - Bridge Construction	\$899,468.49
238210 - Electrical Contractors	\$2,210,636.64
238220 - Plumbing, Heating and Air-Conditioning Contractors	\$449,049.00
238290 - Other Building Equipment Contractors	\$44,533.14
238310 - Drywall and Insulation Contractors	\$277,557.00
238320 - Ship Painting Contractors	\$5,967,050.70
238330 - Flooring Contractor	\$1,204,036.20
238990 - All Other Specialty Trade Contractors	\$616,144.92
336611 - Ship Building and Repair	\$39,135,487.38
423810 - Construction and Mining (except oil well) Machinery and Equipment Merchant Wholesalers	\$352,917.00
423830 - Elevators Merchant Wholesalers	\$127,088.49
484110 - General Freight Trucking, Local	\$19,047.18
485210 - Interurban and Rural Bus Transportation	\$21,142,920.00
485991 - Special Needs Transportation	\$8,825,100.75
488330 - Harbor Tugboat Services	\$64,870.80

² "OMWBE Directory Main." *Washington State Office of Minority and Women's Business Enterprises*. Web. 23 Feb. 2011. <<http://www.omwbe.wa.gov/biznetwas/mainmenu.asp>>.

488390 - Other Support Activities for Water Transportation	\$2,686,625.10
541330 - Engineering Services	\$10,728.00
541380 - Testing Laboratories	\$42,346.50
541519 - Software Installation Services, Computer	\$176,766.00
541614 - Transportation Management Consulting Services	\$4,489,958.10
541810 - Advertising Agency	\$305,264.25
561990 - Diving Services on a Contract or Fee Basis	\$5,367.00
562112 - Hazardous Waste Collection	\$162,537.39
562910 - Remediation Services	\$102,391.50
562991 - Septic Tank and Related Services	\$10,498.47
562998 - Tank Cleaning and Disposal Services, Commercial or Industrial	\$39,351.00
611692 - Driver Education	\$155,721.00
923130 - Community social service program administration	\$308,883.00
Total	\$89,864,745.00

WSDOT then determined the DBE availability for each NAICS Code. To do this, WSDOT determined the number of DBEs certified within a specific scope of work or NAICS code utilizing the Directory of Certified firms published on the Washington State Office of Minority and Women's Business Enterprises (OMWBE) website. Per 49 CFR § 26.81(a) OMWBE serves as the Unified Certification Program for Washington State and maintains the Directory per 49 CFR § 26.81(g).

NAICS Code	Number of DBEs	Total Firm's	DBE Availability
236220 - Bus Shelter Construction	22	1,020	2.16%
237310 - Bridge Construction	67	335	20.00%
238210 - Electrical Contractors	23	2086	1.10%
238220 - Plumbing, Heating and Air-Conditioning Contractors	13	1995	0.65%
238290 - Other Building Equipment Contractors	2	138	1.45%
238310 - Drywall and Insulation Contractors	7	859	0.81%
238320 - Ship Painting Contractors	8	1594	0.50%
238330 - Flooring Contractor	4	681	0.59%
238990 - All Other Specialty Trade Contractors	30	805	3.73%
336611 - Ship Building and Repair	1	71	1.41%
423810 - Construction and Mining (except oil well) Machinery and Equipment Merchant Wholesalers	1	129	0.78%
423830 - Elevators Merchant Wholesalers	2	565	0.35%
484110 - General Freight Trucking, Local	8	546	1.47%
485210 - Interurban and Rural Bus Transportation	0	4	0.00%

485991 - Special Needs Transportation	1	86	1.16%
488330 - Harbor Tugboat Services	0	76	0.00%
488390 - Other Support Activities for Water Transportation	0	50	0.00%
541330 - Engineering Services	55	1625	3.38%
541380 - Testing Laboratories	11	179	6.15%
541519 - Software Installation Services, Computer	2	387	0.52%
541614 - Transportation Management Consulting Services	19	122	15.57%
541810 - Advertising Agency	2	309	0.65%
561990 - Diving Services on a Contract or Fee Basis	25	331	7.55%
562112 - Hazardous Waste Collection	0	11	0.00%
562910 - Remediation Services	8	96	8.33%
562991 - Septic Tank and Related Services	0	106	0.00%
562998 - Tank Cleaning and Disposal Services, Commercial or Industrial	1	19	5.26%
611692 - Driver Education	0	70	0.00%
923130 - Community Social Service Program Administration	0	N/A ³	0.00%

The DBE Availability Percentage was then multiplied by the anticipated FTA financial assistance as follows:

NAICS Code	Total Triennium \$ Projection	DBE Availability %	DBE Availability \$
236220 - Bus Shelter Construction	\$32,400.00	2.16%	\$698.82
237310 - Bridge Construction	\$899,468.49	20.00%	\$179,893.70
238210 - Electrical Contractors	\$2,210,636.64	1.10%	\$24,374.23
238220 - Plumbing, Heating and Air-Conditioning Contractors	\$449,049.00	0.65%	\$2,926.13
238290 - Other Building Equipment Contractors	\$44,533.14	1.45%	\$645.41
238310 - Drywall and Insulation Contractors	\$277,557.00	0.81%	\$2,261.81
238320 - Ship Painting Contractors	\$5,967,050.70	0.50%	\$29,947.56
238330 - Flooring Contractor	\$1,204,036.20	0.59%	\$7,072.17
238990 - All Other Specialty Trade Contractors	\$616,144.92	3.73%	\$22,961.92
336611 - Ship Building and Repair	\$39,135,487.38	1.41%	\$551,204.05
423810 - Construction and Mining (except oil well) Machinery and Equipment Merchant Wholesalers	\$352,917.00	0.78%	\$2,735.79
423830 - Elevators Merchant Wholesalers	\$127,088.49	0.35%	\$449.87
484110 - General Freight Trucking, Local	\$19,047.18	1.47%	\$279.08
485210 - Interurban and Rural Bus Transportation	\$21,142,920.00	0.00%	\$0.00
485991 - Special Needs Transportation	\$8,825,100.75	1.16%	\$102,617.45

³ As these firms are typically non-profit or Government the Census Bureau does not capture this information.

488330 - Harbor Tugboat Services	\$64,870.80	0.00%	\$0.00
488390 - Other Support Activities for Water Transportation	\$2,686,625.10	0.00%	\$0.00
541330 - Engineering Services	\$10,728.00	3.38%	\$363.10
541380 - Testing Laboratories	\$42,346.50	6.15%	\$2,602.30
541519 - Software Installation Services, Computer	\$176,766.00	0.52%	\$913.52
541614 - Transportation Management Consulting Services	\$4,489,958.10	15.57%	\$699,255.77
541810 - Advertising Agency	\$305,264.25	0.65%	\$1,975.82
561990 - Diving Services on a Contract or Fee Basis	\$5,367.00	7.55%	\$405.36
562112 - Hazardous Waste Collection	\$162,537.39	0.00%	\$0.00
562910 - Remediation Services	\$102,391.50	8.33%	\$8,532.63
562991 - Septic Tank and Related Services	\$10,498.47	0.00%	\$0.00
562998 - Tank Cleaning and Disposal Services, Commercial or Industrial	\$39,351.00	5.26%	\$2,071.11
611692 - Driver Education	\$155,721.00	0.00%	\$0.00
923130 - Community Social Service Program Administration	\$308,883.00	0.00%	\$0.00
Totals	89,864,745	1.83%	\$1,644,187.59

b. Necessity of Step Two Adjustment

49 CFR § 26.45(d) states “Once you have calculated a base figure, you must examine all of the evidence available in your jurisdiction to determine what adjustment, if any, is needed to the base figure in order to arrive at your triennium goal.” Furthermore, the United State Department of Transportation, Office of Small and Disadvantaged Business Utilization (OSDBU) issued Guidance on *Tips for Goal-Setting in the Disadvantaged Business Enterprises (DBE) Program* (“OSDBU Guidance”) which states that the Step Two adjustment is intended to make the goal setting as precise as possible and explanation of the Step Two process is a very important part of the triennium submission. Also, “... If the evidence suggest an adjustment is warranted, it is critically important to ensure that there is a rational relationship between the data you are using to make the adjustment and the actual numerical adjustment made”.

Of the potential factors listed in 49 CFR §26.45(d)(1)(I) that may be taken into consideration in making the Step Two adjustment, the one clearly applicable factor for WSDOT is “Evidence from disparity studies conducted anywhere within your jurisdiction, to the extent it is not already accounted for in your base figure...” While the data contained within the Study is applicable to WSDOT, it was tailored for highway construction not transit projects. Therefore, WSDOT evaluated the projects let in previous fiscal years to determine what scopes of work the DBE Availability applied to.

Calculation of Step Two Adjustment Based on the Study:

NAICS Code	Total Triennium \$ Projection	NERA DBE Availability %	NERA DBE Availability \$
236220 - Bus Shelter Construction	\$32,400.00	7.20%	\$ 2,332.80
237310 - Bridge Construction	\$899,468.49	13.89%	\$ 124,936.17
238210 - Electrical Contractors	\$2,210,636.64	8.29%	\$ 183,261.78
238220 - Plumbing, Heating and Air-Conditioning Contractors	\$449,049.00	6.13%	\$ 27,526.70
238290 - Other Building Equipment Contractors	\$44,533.14	8.96%	\$ 3,990.17
238310 - Drywall and Insulation Contractors	\$277,557.00	n/a	n/a
238320 - Ship Painting Contractors	\$5,967,050.70	10.15%	\$ 605,655.65
238330 - Flooring Contractor	\$1,204,036.20	n/a	n/a
238990 - All Other Specialty Trade Contractors	\$616,144.92	8.96%	\$ 55,206.58
336611 - Ship Building and Repair	\$39,135,487.38	8.96%	\$ 3,506,539.67
423810 - Construction and Mining (except oil well) Machinery and Equipment Merchant Wholesalers	\$352,917.00	n/a	n/a
423830 - Elevators Merchant Wholesalers	\$127,088.49	n/a	n/a
484110 - General Freight Trucking, Local	\$19,047.18	n/a	n/a
485210 - Interurban and Rural Bus Transportation	\$21,142,920.00	9.72%	\$ 2,055,091.82
485991 - Special Needs Transportation	\$8,825,100.75	n/a	n/a
488330 - Harbor Tugboat Services	\$64,870.80	n/a	n/a
488390 - Other Support Activities for Water Transportation	\$2,686,625.10	n/a	n/a
541330 - Engineering Services	\$10,728.00	n/a	n/a
541380 - Testing Laboratories	\$42,346.50	9.16%	\$ 3,878.94
541519 - Software Installation Services, Computer	\$176,766.00	n/a	n/a
541614 - Transportation Management Consulting Services	\$4,489,958.10	n/a	n/a
541810 - Advertising Agency	\$305,264.25	21.12%	\$ 64,471.81
561990 - Diving Services on a Contract or Fee Basis	\$5,367.00	n/a	n/a
562112 - Hazardous Waste Collection	\$162,537.39	22.46%	\$ 36,505.90
562910 - Remediation Services	\$102,391.50	9.72%	\$ 9,952.45
562991 - Septic Tank and Related Services	\$10,498.47	10.94%	\$ 1,148.53
562998 - Tank Cleaning and Disposal Services, Commercial or Industrial	\$39,351.00	n/a	n/a
611692 - Driver Education	\$155,721.00	10.94%	\$ 17,035.88
923130 - Community Social Service Program Administration	\$308,883.00	n/a	n/a
Totals	\$89,864,745.00		\$6,697,534.86

c. Triennium DBE Goal

Following is the final DBE availability, which is a combination of the DBE availability utilizing the DBE Directory of Certified Firms and Census Bureau, and the above Study availability data. To create the most refined goal possible, if the Study addressed a specific NAICS code, the availability for that code was utilized in lieu of the DBE availability data. This is illustrated below:

NAICS Code	Total Triennium Projection	Final DBE Availability %	Final DBE Availability \$
236220 - Bus Shelter Construction	\$32,400.00	7.20%	\$ 2,332.80
237310 - Bridge Construction	\$899,468.49	13.89%	\$ 124,936.17
238210 - Electrical Contractors	\$2,210,636.64	8.29%	\$ 183,261.78
238220 - Plumbing, Heating and Air-Conditioning Contractors	\$449,049.00	6.13%	\$ 27,526.70
238290 - Other Building Equipment Contractors	\$44,533.14	8.96%	\$ 3,990.17
238310 - Drywall and Insulation Contractors	\$277,557.00	0.81%	\$2,261.81
238320 - Ship Painting Contractors	\$5,967,050.70	10.15%	\$ 605,655.65
238330 - Flooring Contractor	\$1,204,036.20	0.59%	\$7,072.17
238990 - All Other Specialty Trade Contractors	\$616,144.92	8.96%	\$ 55,206.58
336611 - Ship Building and Repair	\$39,135,487.38	8.96%	\$ 3,506,539.67
423810 - Construction and Mining (except oil well) Machinery and Equipment Merchant Wholesalers	\$352,917.00	1.41%	\$4,970.66
423830 - Elevators Merchant Wholesalers	\$127,088.49	0.78%	\$985.18
484110 - General Freight Trucking, Local	\$19,047.18	0.35%	\$67.42
485210 - Interurban and Rural Bus Transportation	\$21,142,920.00	9.72%	\$ 2,055,091.82
485991 - Special Needs Transportation	\$8,825,100.75	0.00%	\$0.00
488330 - Harbor Tugboat Services	\$64,870.80	1.16%	\$754.31
488390 - Other Support Activities for Water Transportation	\$2,686,625.10	0.00%	\$0.00
541330 - Engineering Services	\$10,728.00	0.00%	\$0.00
541380 - Testing Laboratories	\$42,346.50	9.16%	\$ 3,878.94
541519 - Software Installation Services, Computer	\$176,766.00	6.15%	\$10,862.72
541614 - Transportation Management Consulting Services	\$4,489,958.10	0.52%	\$23,203.92
541810 - Advertising Agency	\$305,264.25	21.12%	\$ 64,471.81
561990 - Diving Services on a Contract or Fee Basis	\$5,367.00	0.65%	\$34.74
562112 - Hazardous Waste Collection	\$162,537.39	22.46%	\$ 36,505.90
562910 - Remediation Services	\$102,391.50	9.72%	\$ 9,952.45
562991 - Septic Tank and Related Services	\$10,498.47	10.94%	\$ 1,148.53
562998 - Tank Cleaning and Disposal Services, Commercial or Industrial	\$39,351.00	0.00%	\$0.00
611692 - Driver Education	\$155,721.00	10.94%	\$ 17,035.88

923130 - Community Social Service Program Administration	\$308,883.00	0.00%	\$0.00
Totals	\$89,864,745.00	7.51%	\$6,747,747.79

2. Anecdotal Evidence

In addition to the statistical evidence of discrimination provided in the Study, WSDOT gathered anecdotal evidence of discrimination. WSDOT conducted focus groups of DBEs and non-DBEs, exploring the participants' experiences with discrimination, bidding and performing WSDOT contracts and in accessing the financing, bonding, networks, etc., necessary for business success. WSDOT also held public meetings to elicit comments on DBEs' experiences during the time when goals were suspended.

The Focus Group Report contents are summarized below. Most DBEs reported experiencing significant racial, ethnic and gender barriers to their full and fair participation in WSDOT's market place. These included:

- The perception that they are inherently less competent and professional than their White male counterparts.
- The imposition of higher performance standards.
- Harassment and disparate treatment at worksites.
- Exclusion from industry and professional networks.
- Discrimination by lenders and sureties.
- Discrimination by trade unions.
- Very limited non-goals opportunities, including for public sector prime contract opportunities.
- Limitations on subcontracting scopes of work to no more than affirmative action goals.
- Substitution by prime contractors after contract award.
- Retaliation for complaining about poor treatment.
- Immediate and drastic reduction in solicitations and subcontract awards after WSDOT's suspension of contract goals.

Many non-DBE general contractors found the DBE Program requirements difficult and burdensome because:

- Goals were unrealistic.
- There is insufficient availability of qualified DBEs.
- Work that they preferred to self-perform was subcontracted to DBEs.
- Waivers were believed to be unavailable.

Non-DBE prime design consultants' experience of the Program was less burdensome, although they too experienced:

- Limited availability of qualified DBEs.
- Increased project management responsibilities and attendant costs from using DBEs.

Some non-DBE subcontractors that compete against DBEs felt that they suffered race and gender discrimination as a result of the DBE goals.

- DBEs were used to meet goals even when they provided higher quotes than non-DBEs.
- Small design firms had few opportunities because large firms prefer not to team unless it is to meet DBE goals.

DBE commentators supported continued application of race-conscious goals on WSDOT projects. DBEs agree that without the use of contract goals, prime contractors will rarely use or even solicit DBEs. One DBE that attended a WSDOT public meeting relayed they had approached two prime contractors that had complained they had difficulty meeting the DBE project goals. The DBE firm presented information about their firm and provided the prime contractors with information as to how they might assist them to achieve their DBE project goals. “They were not interested. The majority of the firms resent DBE firms as much as they resent the DBE goals on construction projects....” For example, a DBE firm’s success began as a direct result of state goals on state funded projects. After passage of I-200 the firm lost contracting opportunities since prime consultants would not use the firm to meet project goals. The firm feels the continuation of DBE goals on federally funded projects is even more crucial to the success of small and minority owned businesses.

Based upon this information, together with the results of the Study, WSDOT concludes that discrimination still limits the opportunities for DBEs of all racial and ethnic groups and white women to perform on its prime contracts and subcontracts. Therefore, to narrowly tailor its Program to achieve the Program’s objective of creating a level playing field for all firms, WSDOT must judiciously apply contract goals to achieve its triennium annual goal.

3. Projection of Race-Neutral vs. Race-Conscious Goal Attainment

Per 49 CFR § 26.51(a) “You must meet the maximum feasible portion of your triennium goal by using race-neutral means of facilitating DBE participation.” The OSDBU Guidance provides that a projected split between race neutral and race conscious goals will be more accurate if past participation data from more than one year is used. OSDBU Guidance §IV(A). Also, one factor to consider in determining the race conscious/neutral split is “past history of inability to meet goals.” OSDBU Guidance §IV(F).

To determine the race-conscious and race-neutral projections WSDOT evaluated past FTA DBE participation during FFY 2010, 2009 and 2008. They are as follows:

Attainment	2010	2009	2008
Race-Conscious	0.00%	0.00%	0.00%
Race-Neutral	0.75%	0.02%	0.00%
Total	0.75%	0.02%	0.00%

To determine the race-conscious and race-neutral split, WSDOT evaluated the previous year’s attainment and determined the average race-neutral participation was 0.26%. Therefore, out of

the triennium DBE Goal, WSDOT is anticipating approximately 7.25% of DBE commitments shall be achieved race-consciously and 0.26% shall be achieved race-neutrally. Therefore, WSDOT expects to award approximately \$230,652.85 in the triennium to DBEs via race-neutral measures and \$6,518,189.50 via race-conscious measures.

4. Race-Neutral Initiatives

WSDOT will meet the maximum feasible portion of its triennium goal through the race-neutral measures listed below.

WSDOT will maximize outreach efforts to the DBE contracting community and the use of DBE support services to increase the utilization and support of DBEs that participate on upcoming WSDOT projects.

a. Support Services

WSDOT provides the following supportive services to DBEs:

- Immediate and long-term business management, record keeping, financial and accounting capabilities;
- Long-term development assistance to increase opportunities to participate in more varied and significant work, and to achieve eventual self-sufficiency;
- Programs on contracting procedures and specific contract opportunities;
- Assistance in obtaining bonding or financing;
- Assistance to start-up firms, particularly in fields with historically low DBE participation;
- Identification of potential highway-related DBEs and prequalification assistance; and
- In an effort to increase awareness of the DBE Supportive Services program, WSDOT has developed a DBE Supportive Services hotline (888) 259-9143, email address dbess@wsdot.wa.gov, and website: www.wsdot.wa.gov/EqualOpportunity/DBE.htm.

b. Outreach and Networking

WSDOT engages in a number of outreach efforts to minority and women's organizations to enhance DBE opportunities in Department projects. These efforts include but are not limited to:

- Sponsorship of the annual Regional Contracting Forum held in Seattle, Washington, in partnership with state, local and federal agencies. Last year's event attracted approximately 2,000 individuals.
- WSDOT works with organizations such as the Northwest Minority Supplier Diversity Council, Women in Construction, USDOT's Small Business Transportation Resource Center, the Women's Transportation Seminar, Urban League of Metropolitan Seattle Contractor Development and Competitiveness Center, African American Partners for Prosperity, the Office of Minority and Women's Business Enterprises and other groups to promote the DBE Program.

- WSDOT has established a Washington State DBE Work Group comprised of WSDOT divisions and local agencies, among others, that will advise WSDOT on DBE issues, included but not limited to, goal setting, outreach, training, etc.
- In 2006, WSDOT established a Goal Monitoring Committee, which is comprised of staff from Headquarter’s Construction, Highways and Local Programs, Public Transportation, Consulting Services and Washington State Ferries that meet on a bi-monthly basis to address the DBE program and goal setting.

c. Complaint Procedures

WSDOT has implemented procedures to process complaints of discrimination in the operation of the DBE Program and against contractors receiving WSDOT contracts. This will ensure prompt, uniform and fair responses to allegations of unlawful conduct so that DBEs, non-DBEs and interested persons can have confidence in the integrity of WSDOT’s operations.

WSDOT has implemented the Fraud Hotline which is for reporting fraud and abuse in the DBE Program. The Fraud Hotline is available via telephone toll free at (877) 856-3770 or via email at fraudhotline@wsdot.wa.gov.

d. Prompt Payment

WSDOT continues to enforce its prompt payment provisions and processes. It impresses upon its personnel and prime contractors the necessity and importance of meeting these requirements. This is accomplished via WSDOT sponsored training for internal staff as well as external contractors, which includes a portion on prompt payment.

e. Emerging Contractor Support Initiatives

WSDOT recognizes the necessity of developing new and innovative race-neutral contractor support services and has begun identifying potential programs and resources (e.g. Urban League of Metropolitan Seattle Pathways Program, Seattle Business Assistance Center, etc). This process involves examining what other states’ strategies and methods are utilized in their supportive services programs as well as working with construction and minority and women business organizations. It also includes soliciting input from the DBE Work Group and from construction and DBE organizations in this and other states.

5. Public Participation

To satisfy the public consultation requirements of 49 CFR § 26.45(d)(2), WSDOT will provide a press release to all media outlets in Washington State and publish the proposed overall annual DBE goal for the triennium in the Seattle Daily Journal of Commerce. Included in its press release and publication is WSDOT’s request for public comment and inspection of the goal methodology for 45 days from the date of publication.

6. Consultative Process

Per 49 CFR § 26.45 WSDOT's triennium DBE goal setting process includes a consultative process requesting input from organizations serving or representing DBEs, minority-owned or women-owned businesses, state or local offices of procurement, federal, state or local offices responsible for enforcing civil rights laws, local labor offices and organizations, etc. WSDOT develops the proposed overall annual DBE goal and presents it to the DBE Work Groups (individuals from various WSDOT divisions and offices, state agencies and local jurisdictions), for example:

- WSDOT Highways and Local Programs Division
- WSDOT Construction Office
- WSDOT Attorney General's Office
- WSDOT Ad & Award Office
- WSDOT Public Transportation Division
- WSDOT Secretary of Transportation
- WSDOT Consulting Services Office
- WSDOT Aviation Division
- Washington State Ferries
- Washington State Office of Minority & Women's Business Enterprises
- Federal Transit Administration
- City of Tacoma
- King County Metro
- Pierce County
- Port of Seattle
- Sound Transit

Once the DBE Work Group has reviewed and provided comments, the overall DBE goal may be revised accordingly.

Upon DBE Work Group review of the proposed overall DBE goal, the proposed overall DBE goal is then reviewed by Minority, Women and Trade Organizations, for example:

- American Council of Engineering Companies of Washington
- Community Coalition for Jobs and Contracting
- Laborer's Local 440, Street Pavers, Sewer, Watermain, and Tunnel Workers
- Washington Association of General Contractors
- Contractor Development and Competitiveness Center/Seattle Urban League
- National Association of Women in Construction
- Northwest Minority Supplier Diversity Council
- Small Business Development Center
- Tribal Employment Rights Office
- Women's Transportation Seminar
- Puget Sound Minority Contractors Forum

The comments provided by the above Minority, Women and Trade Organizations are taken into consideration and the goal is revised as necessary.

7. Upcoming Projects

The OSDBU Guidance states “Do not make adjustments based solely on changes in the amount of federal assistance you expect to receive”. However, in the setting of the triennium Goal, upcoming projects were evaluated as part of the overall process.

8. Reevaluation

If, at any time within the triennium, additional FTA financially-assisted projects in which DBEs can participate are funded, WSDOT will reevaluate the triennium DBE goal.

9. Summary

Pursuant to the requirements of 49 CFR§ 26.45(a)(2), WSDOT submits this proposed triennium DBE Goal to FTA for review and approval. WSDOT followed the requirements of 49 CFR Part 26 in completing this FTA DBE goal along with the OSDBU Guidance and FTA Regional Assistance. This Triennium DBE Goal of 7.51% is based upon the availability of ready, willing and able DBEs, utilizing a Step Two Adjustment of the data contained within the Study. WSDOT anticipates race-neutral participation of 0.26% and race-conscious participation of 7.25%.