

**Washington State Department of Transportation's
Federal Highway Administration
Federal Fiscal Year 2009 Overall Annual 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 Highway Administration (FHWA) for review and approval pursuant to 49 CFR §26.45 to establish the overall DBE goal for its federally-assisted highway contracts. For Federal Fiscal Year (FFY) 2009, WSDOT has established a proposed overall DBE goal of 15.85%, utilizing a Step Two adjustment. The Step Two adjustment is based on the requirements of 49 CFR § 26.45.

WSDOT determined its FFY2009 overall DBE goal by establishing a Step One base figure by calculating the relative availability of DBEs statewide and a Step Two adjustment based on the average past DBE commitments of FFY2007 and FFY2008¹. When calculating the Step Two adjustment, the FFY2007 and FFY2008 data was used due to the fact prior to FFY2007 individual contract goals were not being set. To make the overall DBE goal as precise as possible only recent fiscal years in which individual contract goals were being set were utilized. A portion of WSDOT's overall DBE goal is based on a projected amount of race-conscious participation of 12.28% and race-neutral participation of 3.57% which WSDOT expects to attain in FFY2009.

This methodology and the supporting evidence complies with the requirements of the federal regulations, as well as the decisions in *Sherbrooke Turf, Inc. v. Minnesota Department of Transportation*, 345 F.3d 964 (8th Cir. 2003), *cert. denied*, 124 S.Ct. 2158 (2004); *Western States Paving Co. v. Washington State Department of Transportation*, 907 F.3d 963 (9th Cir. 2005); and *Northern Contracting Inc. v. Illinois Department of Transportation*, 473 F.3d 715 (7th Cir. 2007).²

1. Methodology and Evidence

a. Step One Base Figure

To meet the requirements of 49 CFR § 26.45, WSDOT commissioned an Availability Study, entitled "Race, Sex, and Business Enterprise: Evidence from the State of Washington" ("Study"), from NERA Economic Consulting, a

¹ All references to FFY2008 refer only to the time period of October 1, 2007 through March 30, 2008 as information after March 30, 2008 is not readily available at the time of this report.

² See also *Concrete Works of Colorado Inc. v. City and County of Denver*, 321 F.3d 950 (10th Cir. 2003), *cert. denied*, 540 U.S. 1027 (2003) (Denver's program was constitutional based upon a similar methodology by the same consultant); *Builders Association of Greater Chicago v. City of Chicago*, 298 F.Supp.2d 725 (N. D. Ill. 2003) (Chicago's Minority and Women Business Program was based upon similar "strong evidence").

nationally recognized economics consulting firm. WSDOT relied upon this Study, together with WSDOT's most recent DBE commitment data in setting its FFY2009 goal.

The Study provided a statistical analysis of baseline DBE availability, and factors impacting entrepreneurial success on WSDOT contracts and subcontracts. The Study estimated statewide DBE availability using data on WSDOT's expenditures for highway construction and engineering consulting contracts and subcontracts, and databases of firms in those industries. The Study reviewed existing quantitative evidence of discrimination and assessed the likelihood that statewide DBE availability would be different if the relevant markets in which WSDOT operates were race-neutral; it then estimates the magnitude of this difference.

The Study provided a narrowly tailored, statistically sound and detailed basis to meet the requirements of 49 CFR, Part 26, and fully addresses the remedial purpose of the DBE Program and Congressional intent. The Study examined disparities between the rates of business formation and earnings between DBEs and similarly situated businesses owned by white males. The study analysis supports the inference that discrimination continues to impede the ability of disadvantaged minority- and women-owned firms to compete fully and fairly for WSDOT prime contracts and subcontracts.

Having established the existence of such discrimination, a governmental entity "has a compelling interest in assuring that public dollars, drawn from the tax contributions of all citizens, do not serve to finance the evil of private prejudice." Croson, 488 U.S. 492.

Using empirical market definitions, business establishment data and statistical verification surveys, the Study concluded 18.77% as the base availability figure for DBE availability in the highway transportation construction industry in Washington State.

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 overall 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 overall 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 “current capacity of DBEs to perform work . . . as measured by the volume of work DBEs have performed in recent years.” OSDBU Guidance refers to this as “past participation.” OSDBU Guidance §III.

Thus, to determine past participation, WSDOT is looking at the average of actual commitments for DBE participation made by the prime contractors in individual contracts, in FFY2007 and FFY2008. WSDOT has determined a Step Two adjustment is necessary based on data collected showing a variance between past participation of DBEs during FFY2007 and FFY2008 as compared to the overall annual DBE goals set during those same years.

It is apparent that a Step Two adjustment is appropriate when looking at the variance between the overall DBE goal and actual DBE participation for FFY2007 and FFY2008, the average variance between past DBE participation and the overall DBE goals set during FFY2007 and FFY2008 was 5.84%. This variance was determined by the following calculations:

Federal Fiscal Year	Annual Goal	DBE Participation	Difference
2007	18.77%	12.26%	6.51%
2008	18.77%	13.60%	5.17%
Average			5.84%

c. Calculation of Step Two Adjustment based on Past Participation

The OSDBU Guidance states that for your Step Two adjustment, you may average the figure obtained in Step One with a figure which represents the median past participation. OSDBU Guidance III(A)(5) provides the following instructions on how to calculate a Step Two adjustment based on past participation:

The first step in adjusting your Step One Base Figure for past participation is to determine your “median” past participation percentages. . .

If you only have two numbers, simply average those two numbers together . . .

you must consider the advisability of making adjustments based on past participation regardless of whether the adjustment would result in increasing or decreasing the base figure derived in Step One.

OSDBU Guidance III(A)(5)(6)(7)

WSDOT followed the OSDBU Guidance summarized above in calculating its Step Two adjustment.

The OSDBU Guidance allow as little as one year of past participation data to be used in calculating the Step Two adjustment, so long as the rationale is explained. In calculating its Step Two adjustment, WSDOT is actually taking the average of FFY2007 and FFY2008, as allowed under the Guidance and also provides the following explanation for the limited data.

WSDOT began calculating its Step Two adjustment by taking the median of past participation from FFY2007 and FFY2008. The FFYs were limited to the FFY2007 and FFY2008 because prior to FFY2007 WSDOT did not set a race-conscious portion of its DBE goal and was not setting individual contract goals. WSDOT was unable to set a race conscious portion of its DBE Goal for several years due to the Federal Court of Appeals decision in *Western State's Paving v. WSDOT* which held that WSDOT's DBE program was not sufficiently narrowly tailored to meet constitutional requirements. In response to that decision, WSDOT suspended its race conscious goal setting and conducted an availability study which became the basis for the FFY2007 and FFY2008 DBE Goals. With the availability study, WSDOT began setting a race-conscious portion of the DBE Goal in compliance with 49 CFR §26.

Therefore, in FFY2007 and FFY2008 WSDOT's DBE Program was operating in a race-conscious environment, setting individual contract goals on FHWA financially assisted contracts in compliance with 49 CFR §26. The data from FFY2007 and FFY2008 is more accurate in calculating the Step Two adjustment because the data reflects how WSDOT is presently operating.

Because there are only two years of past participation data, WSDOT took the average of the two percentages as instructed in the OSDBU Guidance to arrive at its median past participation. The median methodology was chosen to ensure WSDOT was calculating the Step Two adjustment as precisely as possible. For calculations of the Step Two adjustment please see the chart below.

FFY	Total Participation
2007	12.26%
2008	13.60%
Average	12.93%

Therefore, the median Step Two adjustment is 12.93%.

D. Overall DBE Goal

Pursuant to the guidelines from OSDBU, WSDOT determined the overall DBE goal for FFY2009 by taking an average of the Step One Base Figure of 18.77% and the Step Two adjustment figure of 12.93%, which equals 15.85%.

2. Definition of WSDOT's Contracting Market

Based upon four years of WSDOT's contract and subcontract expenditure data, a total of 32 four-digit Standard Industrial Classification (SIC) codes³ were identified as WSDOT's product market, and the State of Washington was identified as the geographic market. This approach incorporates the guidance of USDOT to use 4-digit SIC codes and to weigh that data by WSDOT's expenditures.⁴

3. DBE Utilization on No-Goals Contracts

One indicator of the need to continue to apply race-conscious measures is the participation of DBEs in the absence of those measures. The results of unremediated markets were an important component of Illinois' successful defense of the DBE Program in the *Northern Contracting* case.

To comply with the appellate court's order in *Western States*, WSDOT suspended the use of DBE contract goals from May 9, 2005 to September 30, 2006. During the suspension period, contractual obligations to DBEs had fallen to under 4% including contracts awarded before the court's opinion with DBE goals, from an average of 12% from 1999-2005.

The decline in DBE participation, during WSDOT's suspension of DBE contract goals provided strong support for the conclusion that ongoing discriminatory effects persist in the Washington marketplace. Such declines were noted by the courts in the *Sherbrooke*, *Western States* and *Northern Contracting* cases in holding the revised 49 CFR Part 26 to be constitutional because race-neutral measures have proven to be inadequate to ameliorate discrimination. As noted by the Ninth Circuit, Congress properly recognized that "[a]fter the ... *Croson* decision, many state and local governments removed affirmative action provisions from their public contracts. This prompted a significant drop in racial minorities' participation in the construction industry."⁵ The Eighth Circuit further relied upon this evidence in holding Minnesota DOT's implementation of the new regulations to be constitutional as applied.

Likewise, expert testimony in the *Northern Contracting* and *BAGC v. Chicago*⁶ trials documented the experiences of other state and local governments whose race-conscious programs have either been enjoined or that do not set goals on locally-funded transportation contracts. In the absence of DBE programs, utilization of minority- and women-owned construction firms dropped dramatically below availability in all jurisdictions.

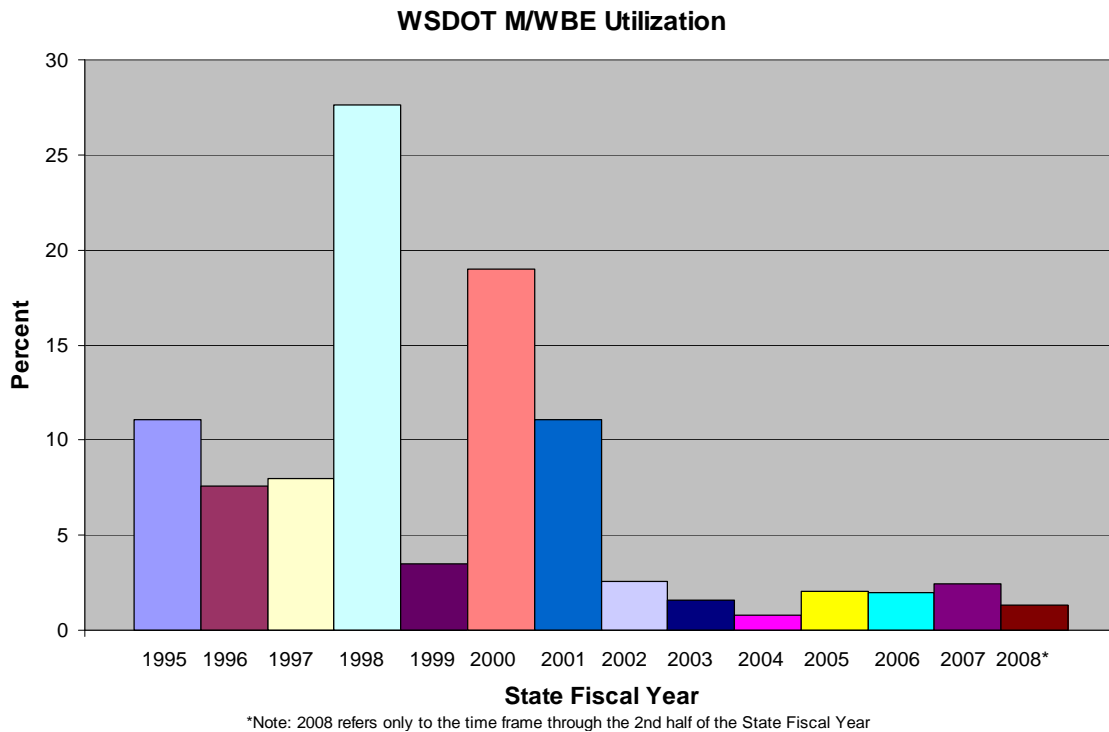
³ SIC codes can be converted into the North American Industry Classification System (NAICS) codes now adopted for some purposes by the U.S. Census Bureau.

⁴ <http://osdbuweb.dot.gov>.

⁵ 407 F.3d at 992.

⁶ 298 F.Supp.2d 725 (N.D. Ill. 2003).

WSDOT saw a similar decline in its state-funded contracts after race- and gender-conscious contract goals were prohibited. Initiative 200, (I-200) which was signed into effect December 3, 1998, had similar effects on Washington State contracting and procurement. I-200 banned mandatory goals or preferential points on State contracts based on ethnicity or gender. The Washington State Office of Minority and Women’s Business Enterprises (OMWBE), the Unified Certification Program for Washington State also certifies Minority and Women’s Business Enterprises for State projects. Prior to I-200, in State Fiscal Year 1995 WSDOT was utilizing 11.08% Minority and Women’s Business Enterprises (M/WBE), whereas in the second half of State Fiscal Year 2008 WSDOT M/WBE utilization has decreased to 1.30%, see chart below.⁷ The mindset that discrimination no longer exists resulted in a number of construction and consulting firms going out of business. The loss of mandatory goals in the State program only furthers the necessity for the DBE program in Washington State.



4. 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

⁷ This information was obtained from OMWBE and contains all WSDOT contracts and purchases contained within the sub-objects OMWBE has determined the buyer has the choice in selecting the vendor. For more information please visit: www.omwbe.wa.gov/supplierdiversity/supplierdiversity_reporting.shtml and select “Reporting Guidelines for State Agencies”.

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.

In addition to the information provided in the Focus Group Report, WSDOT held a series of public meetings to solicit information from contractors and consultants regarding the barriers and experiences they faced, including whether minorities and women continue to suffer from discrimination in WSDOT's marketplace. This year WSDOT accepted only written comments that would be considered in evaluating the overall DBE goal.

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. Their attitude was typical of the industry as a whole. 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 overall annual goal.

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

Per 49 CFR § 26.51(a) "You must meet the maximum feasible portion of your overall 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).

During FFY2007 and FFY2008, WSDOT has maintained data for race-neutral and race-conscious DBE achievements on federally funded contracts pursuant to 49 CFR §26.52(g). These results are the basis for WSDOT projection of race

neutral and race conscious portions of the FFY2009 DBE Goal. To determine the percentage of the FFY2009 DBE goal that will be race-neutral versus race-conscious, WSDOT used averages of both the race-conscious and race-neutral DBE contract achievements from FFY2007 and FFY2008. Based upon those averages, WSDOT projects 12.28% of the overall annual goal will be achieved via race-conscious means and 3.57% of the overall annual goal will be achieved via race neutral means.

For the calculations of the percentages applied to race-conscious (RC%) and race-neutral (RN%) means please see the calculation and charts below:

1. Total Past Participation for FFY2007 * RC% Participation in FFY2007 = FFY2007 Actual RC% of Total
2. Total Past Participation for FFY2008 * RC% Participation in FFY2008 = FFY2008 Actual RC% of Total
3. (FFY2007 +FFY2008 Actual RC% of Total)/2 = Average Actual RC %of Total
4. Total Past Participation for FFY2007 * RN% Participation in FFY2007 = FFY2007 Actual RN% of Total
5. Total Past Participation for FFY2008 * RN% Participation in FFY2008 = FFY2008 Actual RN% of Total
6. (FFY2007 +FFY2008 Actual RN% of Total)/2 = Actual RN % of Total
7. RC Average % of Actual RC Total* FFY2009 Annual Goal = RC Projected Percentage
8. RN Average % of Actual RC Total * FFY2009 Annual Goal = RN Projected Percentage

Calculations Step 1 through 6:

Fiscal Year	Total Participation	RC% Participation	Actual RC% of Total	RN% Participation	Actual RN of Total%
2007	12.26%	10.26%	83.69%	2.00%	16.31%
2008	13.60%	9.69%	71.25%	3.91%	28.75%
Average			77.47%		22.53%

According to the calculations above, the average for FFY2007 and FFY2008 of DBE achievements are split so that 77.47% of the DBE achievements were race-conscious, while 22.53% of the DBE achievements were race-neutral.

Calculations Step 7 and 8:

Average RC%	FFY2009 RC%	Average RN %	FFY2009 RN%	FFY2009 Annual Goal
77.47%	12.28%	22.53%	3.57%	15.85%

Again, applying those percentages to the overall FFY2009 DBE goal of 15.85%, projects that WSDOT may achieve its overall DBE goal by setting the race conscious portion of its goal at 12.28% and the race neutral portion at 3.57%.

WSDOT will meet the maximum feasible portion of its overall goal through race-neutral means. The ongoing initiatives described below seek to reduce discriminatory barriers, increase capacity and level the playing field for the participation of DBEs and other small contractors. They are also designed to assist WSDOT in meeting the increased goal for DBE participation as prime contractors and subcontractors and to increase race-neutral participation on its contracts.

WSDOT will monitor DBE participation throughout the year to adjust its use of contract goals to ensure that their use does not exceed the overall goal.

6. Race-Neutral Initiatives

WSDOT will meet the maximum feasible portion of its overall 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. Supportive Services

WSDOT provides the following supportive services to DBEs through OMWBE:

- 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; and
- Identification of potential highway-related DBEs and prequalification assistance

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. This event attracted 640 individuals representing 492 firms interested in doing business with WSDOT and other agencies and provides direct one-on-one outreach to firms.
- WSDOT works with organizations such as the Northwest Minority Business Development Council, Women in Construction, USDOT's Minority Resource Center Disadvantaged Business Enterprises Council, the Women's Transportation Seminar 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 us on DBE issues, included but not limited to, goal setting, outreach, training, etc.

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 a WSDOT sponsored trainings, 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 School District Business Classes, 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.

7. Public Participation

To satisfy the public consultation requirements of the regulations, WSDOT has provided a press release to all media outlets in Washington State and published the proposed annual goal for FFY2009 in the Seattle Daily Journal of Commerce, Yakima Herald-Republic, the Columbian, the Northwest Asian Weekly, El Mundo, and the Spokane Spokesman Review. Included in its press release and publication is WSDOT's request for public comment and inspection of the goal methodology for 45-days from date of publication. As part of its consultative process (see 9 below) WSDOT will hold a Public Participation Hearing on July 8th 2008, in Seattle, and post to the website the methodology used to establish the goal and to enable public input.

8. Consultative Process

Per 49 CFR § 26.45 WSDOT's overall 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 Group⁸ (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 Highway 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. In setting the FFY2009 overall annual

⁸ The Work Group List is not inclusive of all WSDOT divisions and offices, state agencies and local jurisdictions participating in the DBE Work Group.

DBE goal, only one comment was provided, which approved the goal and provided no grounds for changing the methodology. Therefore no changes were made due to the DBE Work Group's review.

Upon DBE Work Group review of the overall DBE goal the proposed overall DBE goal is then reviewed by Minority, Women and Trade Organizations⁹, 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 Business Council
- Small Business Development Center
- Tribal Employment Rights Office
- Women's Transportation Seminar

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

9. 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 FHWA FFY2009 Overall Annual Goal upcoming projects were evaluated. The FHWA financial assistance received in FFY2009 is similar to amounts which have been received in the past. Also, the upcoming projects in FFY2009 containing FHWA funding are similar in scope of work to projects WSDOT has awarded in the past, which contained adequate subcontractable opportunities. Consequently, the overall annual goal for FFY2009 will not be adjusted to account for any financial assistance received for projects that are different in scope of work with FHWA financial assistance.

10. Public Comment

WSDOT has requested public comments and inspection of the goal methodology for 45-days from date of publication. WSDOT will evaluate comments received during this period, make adjustments to the goal if necessary, and forward the revisions to FHWA for review and approval as part of its final goal submission.

⁹ The Minority, Women and Trade Organizations list is not inclusive of all the organizations which are involved with the overall DBE goal, and is only an example of the types of organizations involved.