

Disadvantaged Business Enterprise Program Proviso Report  
Community Engagement Activities  
July 1, 2014 through April 30, 2015

**Overview**

During the 2014 Legislative Session, Engrossed Substitute Senate Bill 6001 – Transportation Budget Supplemental (ESSB 6001) was passed. Section 217 of this bill provided financial assistance from the motor vehicle account solely for enhancing outreach to socially and economically disadvantaged business enterprises (DBEs). WSDOT was authorized to hire a DBE Community Engagement Manager for this purpose.

The DBE Program is a requirement of receiving Federal Highway Administration, Federal Transit Administration, and Federal Aviation Administration financial assistance. In order to enhance the effectiveness of the Washington State Department of Transportation's (WSDOT) DBE Program, additional outreach and community engagement was and is necessary.

WSDOT's Office of Equal Opportunity (OEO) is responsible for the implementation of the DBE Program. OEO has experienced recent changes in leadership that have impacted the timeline for hiring a DBE Community Engagement Manager. WSDOT has hired an interim OEO Director and an interim DBE Liaison Officer. WSDOT is currently seeking to fill the OEO Director position. Until the OEO Director position is filled, the interim Director has absorbed the additional duties of the interim DBE Liaison Officer. Once the permanent Director is hired, that individual would then lead the recruitment for the DBE Community Engagement Manager.

The DBE Community Engagement Manager position was created to assist the OEO Director with external meetings and engagements and to enhance our communications with key Minority Business Enterprise and Women's Business Enterprise stakeholders and other interested parties. Following is a summary of DBE community engagement related activities performed by WSDOT staff from July 1, 2014 through April 30, 2015.

**Accomplishments:**

**Outreach:**

- The interim DBE Liaison Officer, interim Director of OEO, AWW DBE Program Manager and members of WSDOT's Executive Management Team attend the monthly Tabor 100 and National Association of Minority Contractors (NAMC) meetings. In addition, they are regularly attending the monthly Construction, Design and Entrepreneurs meetings which

have attendance of 40 to 60 DBEs and prime contractors. The Liaison Officer also routinely attended other minority business-oriented meetings in King and Pierce Counties.

The Director of OEO or the AWW DBE Program Manager attends the monthly DBE outreach sessions conducted by Seattle Tunnel Partners. These individuals are also working with WSDOT prime contractors in strengthening their outreach to established DBE organizations. Plans are underway to have more WSDOT regional and headquarters staff provide targeted presentations to key DBE audiences (e.g. Architecture and Engineering DBEs). The Director of OEO regularly attends outreach and networking sessions sponsored by other entities in order to share information about upcoming WSDOT opportunities and support overall DBE education and information efforts.

The Deputy Secretary of Transportation has had regular meetings with individual DBE advocates to engage in dialogue regarding their concerns. The interim OEO Director has been performing outreach by developing relationships with stakeholders and members of the minority advocacy groups.

The Liaison Officer had also conducted meetings with individual DBEs and small groups of DBEs to explain WSDOT opportunities and ways to access them.

- On September 10, 2014, WSDOT OEO staff attended the Department of Enterprise Services Annual Trade Show and Training Conference. The trade show is an annual networking event where companies and vendors can meet with public purchasing personnel to market their goods and services to government and political sub-divisions. They are provided an opportunity to meet face-to-face with over 500 public purchasing managers, supply officers, public works contracting officers, facilities managers, fleet managers and fiscal officers. WSDOT OEO attended to discuss the DBE Support Services Program and benefits of certification to interested parties.
- On November 13, 2014, WSDOT, partnering with Sound Transit and the Port of Seattle, hosted the fifth annual Business After Hours networking event. During this event, each hosting agency presented a Champion of Inclusion award to a business that exemplifies the value of inclusion. This year's Champion of Inclusion was Skanska USA for their extra efforts on a mega-project in exceeding the DBE goal and the diversity model embraced within their company (e.g. teach classes, mentoring firms, etc.).  
The event is primarily for networking between primes and subcontractors (specifically DBEs), comprised of both consultants and contractors. This year's event had the largest turnout to date with approximately 250 people attending.
- WSDOT sponsored the USDOT's Northwest Small Business Transportation Resource Center's Bonding Education Program. This class was a five week program from October 16, 2014 through November 18, 2014, designed to help small, socially and economically

disadvantaged businesses become bondable or increase their bonding capacity. Representatives from WSDOT presented information to thirteen firms, ten of which are DBE certified.

- WSDOT has developed and will be distributing a quarterly newsletter. OEO introduced the newsletter by distributing monthly editions in November 2014, December 2014 and January 2015. After the January 2015 edition, the distribution was switched to Quarterly. These newsletters are included as Attachment A: DBE Program Newsletters.
- WSDOT recently held statewide DBE Opportunity Forums. These events gave participants information on upcoming projects and provided individuals the opportunity to network with WSDOT project staff and prime contractors. Out of the 44 individuals who provided survey responses: 40 noted the information presented was valuable and 31 noted they gained meaningful business connections. 183 individuals, not including WSDOT staff, attended the various events as follows:

<b>Date</b>	<b>Location</b>	<b>Attendees</b>
January 27	Lakewood	44
January 28	Vancouver	25
January 29	Shoreline	49
February 3	Bellingham	23
February 4	Union Gap	16
February 5	Spokane	26

More information on the Opportunity Forums is included as Attachment B: Opportunity Forums Flyer.

- WSDOT OEO and the Construction Division developed an informational handout for DBE firms to assist the firms in subcontracting with WSDOT. Additionally, WSDOT OEO and the Construction Divisions will be hosting a class in May on Subcontracting with WSDOT. More information on the Subcontracting with WSDOT Class and Handout are included as Attachment C.

**Training:**

- On September 24, 2014, WSDOT OEO staff attended Manson Construction’s class “How to Prepare a Responsive Proposal”. Information was provided to the approximately fifty (50) participants on:
  - Proposal Requirements—Not all are Equal
  - Researching Which Projects to Bid
  - Understanding Bid Items and Payment
  - Getting the Most out of Scope Letters

- Pitfalls to Avoid in Proposals
- Responsible Bidding Practices
- Standard Subcontract Agreement and Attachments
- Federal Compliance including Davis Bacon
- Manson Standard Insurance Requirements
- Subcontractor/Vendor Responsibility Questionnaire

WSDOT OEO staff presented information on how to do business with WSDOT. Other agencies such as Procurement and Technical Assistance Center (PTAC), General Services Administration, and Native PTAC also presented information on how they can be of assistance in doing business with the federal government.

- In the Spring of 2014, WSDOT began the procurement process to engage a consultant to develop a Long Term Business Development Program. The contract was let in July 2014. The initial phase of the program targeted five to ten DBE firms that have been in business for a minimum of three years, have had one or no contracts with WSDOT, and are committed to developing a plan and receiving support services. The first session of the program provided six weeks of classes and technical assistance. Following is information about classes delivered thus far:
  - On November 5, 2014, the consultant delivered *Course Introductions*. Topics of discussion included:
    - Introductions and program overview
    - Discussion on DBE firm expectations and concerns
    - Use of analyzing the business questionnaire
    - Discussion on purposes of business plans
    - Connecting topics in analysis questionnaire to business planning
  - On November 12, 2014, the consultant delivered the *Business Planning* class. Topics of discussions included:
    - Presentation on business plan key components
    - Information on utilizing the Small Business Administration website online business planning tool
    - Discussion about their tasks to be completed prior to November 19, 2014 class
  - On November 19, 2014, the consultant delivered the *Marketing* class. Topics of discussion included:
    - Group discussion on marketing, identifying opportunities and networking methods. Clarity about competitors
    - Key activities in marketing
    - Understanding differences between marketing and sales

- Connecting discussion to portions of business plan on market research and marketing and sales
- December 3, 2014, the consultant worked with WSDOT to deliver a *Doing Business with WSDOT* class. Presentations included:
  - The Construction Division provided information on the contracting process
  - The Consulting Services Office provided information on the consulting process and upcoming changes
  - OEO provided information on additional benefits of the DBE Support Services

The second cohort of the Long Term Business Development Program started April 29, 2015, with eleven (11) DBEs participating.

- WSDOT conducted Contractor and Local Agency/WSDOT Staff Civil Rights Program Trainings throughout February and March of 2015. These trainings were geared toward contractors (both DBE and non-DBE) and Local Agency/WSDOT Staff, and provide participants with a variety of program updates and overviews. They also better prepare companies to work for WSDOT as a DBE and work with the DBE Program. These trainings were well attended with over six hundred participants, as noted below:

<b>Audience</b>	<b>Location</b>	<b>Date</b>	<b>Number of Attendees</b>
WSDOT & Local Agency Staff	Bellingham	February 3, 2015	21
Contractors & Consultants	Bellingham	February 4, 2015	11
WSDOT & Local Agency Staff	Shoreline	February 10, 2015	52
WSDOT & Local Agency Staff	Shoreline	February 11, 2015	42
Contractors & Consultants	Shoreline	February 12, 2015	12
WSDOT & Local Agency Staff	Kent	February 17, 2015	43
Contractors & Consultants	Kent	February 18, 2015	42
WSDOT & Local Agency Staff	Olympia	February 24, 2015	51
WSDOT & Local Agency Staff	Olympia	February 25, 2015	48
Contractors & Consultants	Olympia	February 26, 2015	8
WSDOT & Local Agency Staff	Vancouver	March 3, 2015	46
WSDOT & Local Agency Staff	Vancouver	March 4, 2015	19
Contractors & Consultants	Vancouver	March 5, 2015	6
WSDOT & Local Agency Staff	Spokane	March 10, 2015	66
WSDOT & Local Agency Staff	Spokane	March 11, 2015	60
Contractors & Consultants	Spokane	March 12, 2015	2
WSDOT & Local Agency Staff	Wenatchee	March 23, 2015	37
WSDOT & Local Agency Staff	Yakima	March 24, 2015	31
Contractors & Consultants	Yakima	March 25, 2015	8
<b>Totals</b>	<b>WSDOT &amp; Local Agency Staff</b>		<b>516</b>
	<b>Contractors &amp; Consultants</b>		<b>89</b>
	<b>All Attendees</b>		<b>605</b>

For more information, please see Attachment D: Statewide DBE Program Training Flyer.

**DBE Advisory Committee:**

- On August 28, 2014, WSDOT met with the DBE Advisory Committee, an established committee of internal and external stakeholders with a vested interest in the DBE Program. The DBE Advisory Committee is comprised of both community and trade organizations. The purpose of this meeting was to review DBE Program policies, roles and responsibilities, and provide external stakeholder perspective. Group members were asked to provide input on the DBE Program policies, roles and responsibilities by September 26, 2014.
- On October 2, 2014, the DBE Advisory Committee met to discuss the DBE Program draft proposed policies including Roles and Responsibilities and an Executive Order relating to the OEO program and DBE Liaison Officer. The DBE Advisory Committee is comprised of both community and trade organizations and members representing various perspectives and interests. The group was initially created for discussions related to the recent Disparity Study (submitted to and awaiting FHWA approval). The OEO program has a wider variety of stakeholders due to the breadth of work they perform. We will include DBE Advisory Committee members along with others in a professionally-facilitated discussion regarding DBE Program improvements to promote equity and transparency in the DBE Program changes under consideration.
- On December 9, 2014, WSDOT hosted another DBE Advisory Committee Meeting. This meeting was facilitated by an external consultant to provide an impartial atmosphere with more open dialogue. During this meeting the draft DBE specifications was shared with stakeholders and input was requested by December 16, 2015. A new draft of the DBE Program Roles and Responsibilities document and draft Executive Order was discussed with committee members and input was requested to be submitted by January 30, 2015.
- On February 20, 2015, WSDOT hosted a DBE Advisory Committee Meeting. The purpose of this meeting was to finalize DBE community input on the DBE Program Roles and Responsibilities. The group also discussed DBE Program Goals for 2015 and the mission of the Advisory Group going forward.

**Notice to Contractors:**

In an effort to ensure DBE firms are provided with information to timely bid and participate on WSDOT projects, OEO staff provided weekly email notifications to interested DBEs regarding upcoming and advertised construction projects, as well as consulting, purchasing, administrative, and IT opportunities. Additionally, these notices contain information on free services and outreach and training events for DBEs. Following are the dates the notices were distributed as well as what was contained within each notice:

<b>Date</b>	<b>Construction Opportunities</b>	<b>Consulting Opportunities</b>	<b>Purchasing Opportunities</b>	<b>Administrative &amp; IT Contracts</b>	<b>DBE/SS &amp; Outreach</b>
July 8, 2014	X	X	X	X	X
July 15, 2014	X	X	X	X	X
July 22, 2014	X	X	X	X	X
July 29, 2014	X	X	X	X	X
August 5, 2014	X	X	X	X	X
August 11, 2014	X	X	X	X	X
August 18, 2014	X	X	X	X	X
August 26, 2014	X	X	X	X	X
September 2, 2014	X	X	X	X	X
September 9, 2014	X	X	X	X	X
September 16, 2014	X	X	X	X	X
September 22, 2014	X	X	X	X	X
September 30, 2014	X	X	X	X	X
October 7, 2014	X	X	X	X	X
October 14, 2014	X	X	X	X	X
October 21, 2014	X	X	X	X	X
October 27, 2014	X	X	X	X	X
November 4, 2014	X	X	X	X	X
November 10, 2014	X	X	X	X	X
November 17, 2014	X	X	X	X	X
November 24, 2014	X	X	X	X	X
December 1, 2014	X	X	X	X	X
December 8, 2014	X	X	X	X	X
December 15, 2014	X	X	X	X	X
December 23, 2014	X	X	X	X	X
December 29, 2014	X	X	X	X	X
January 5, 2015	X	X	X	X	X
January 12, 2015	X	X	X	X	X
January 20, 2015	X	X	X	X	X
January 26, 2015	X	X	X	X	X
February 2, 2015	X	X	X	X	X
February 9, 2015	X	X	X	X	X
February 17, 2015	X	X	X	X	X
February 23, 2015	X	X	X	X	X

March 3, 2015	X	X	X	X	X
March 9, 2015	X	X	X	X	X
March 17, 2015	X	X	X	X	X
March 30, 2015	X	X	X	X	X

Attachment A: DBE Program Newsletters

Attachment B: Opportunity Forums Flyer

Attachment C: Subcontracting with WSDOT Class and Handout

Attachment D: Statewide DBE Program Training Flyer

# WSDOT DBE NEWS

NOVEMBER 2014

## BUSINESS AFTER HOURS RECEPTION

**November 13, 2014**

**5 to 8 p.m.**

**Pier 66 – Seattle Maritime  
Event Center**

The Port of Seattle, Sound Transit and Washington State Department of Transportation are proud to bring you the fifth annual Business After Hours Event! This event is for small, veteran, minority and women-owned firms to meet and establish relationships with prime contractors, consultants and agency staff, all in a casual and engaging atmosphere. This event includes an awards ceremony, networking opportunities with prime contractors and consultants, and refreshments. For more information or to register, please email [DBESS@wsdot.wa.gov](mailto:DBESS@wsdot.wa.gov).

## QUESTIONS, COMMENTS AND SUGGESTIONS...

Do you have ideas on how to improve the DBE Program or concerns that need to be addressed? Please send your questions, comments and suggestions to WSDOT Office of Equal Opportunity at [DBESS@wsdot.wa.gov](mailto:DBESS@wsdot.wa.gov) or call toll free (888) 259-9143.

## Message from Secretary of Transportation Lynn Peterson

We've taken some important steps recently to strengthen our commitment to support small businesses and ensure a level playing field exists in our federally funded contracts. The Disadvantaged Business Enterprise Program is one of the ways that WSDOT does this.

As a former small business owner, I understand the importance of small businesses. They are the engines that power economic development and prosperity for our state. We will continue to take steps to remove barriers and help socially and economically disadvantaged firms to succeed.

Our new newsletter is just one of the ways we are reaching out to DBE participants to share important news, developments and program changes; announce opportunities for training and technical assistance; and address issues of interest to small businesses. I encourage you to stay engaged and let us know how we're doing.

## Kara Larsen joins WSDOT as Interim Director of the Office of Equal Opportunity

Kara Larsen, formally with the Office of the Attorney General, Labor and Personnel Division, has accepted the interim director position for WSDOT's Office of Equal Opportunity (OEO). Her experience includes working with state agencies on compliance with anti-discrimination laws and workforce development, and advising on reasonable accommodation issues under the Americans with Disabilities Act, as well as sexual harassment, discrimination, and retaliation issues.

"I am very excited to join OEO and participate in the essential services it provides. I am committed to continuing the excellent work that OEO performs and seeking ways to enhance the effectiveness of our programs and services. I look forward to working with DBE program participants and the small business community on ways to improve our outreach efforts and support services so that every business has an equal opportunity to participate in the economic development of Washington state."



# Meet Henry Yates, Interim DBE Liaison Officer



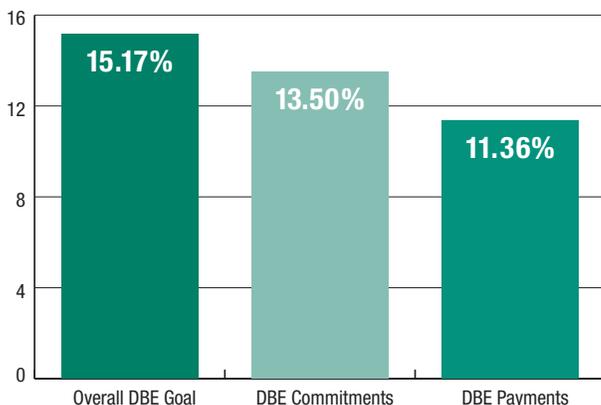
With more than 20 years of experience in government relations and community and constituent outreach, Henry Yates has agreed to serve as WSDOT's interim DBE Liaison Officer. He will work closely with Kara and other WSDOT divisions in this capacity. Since 2008, Henry has been president of Yates Consulting, conducting public affairs and government relations activities on the local, state and federal level.

In his role, he will work to enhance the administration of WSDOT's DBE Program on Federal Aviation Administration, Federal Highway Administration and Federal Transit Administration funded projects. "My highest priority is to make doing business with WSDOT easier for your company and to help as many people as possible benefit from the most successful implementation of the DBE Program nationwide."

## Because you asked...

### Q: What is WSDOT's current DBE participation?

A: As of October, WSDOT's Local Programs, Consultant Services, and Construction has attained 13.50 percent in DBE commitments (goals 11.40 percent and voluntary participation 2.10 percent) and 11.36 percent in DBE utilization in payments. WSDOT is still waiting on contract information and these numbers are subject to change until December 1.



### Q: My firm is bidding on WSDOT work but has not yet been successful; where do I start?

A: WSDOT is launching a new Long Term Business Development Program targeting firms that have had limited success in obtaining work on projects. The program will provide eight weeks of classes and technical assistance.

You are eligible to participate if your firm:

- Has been in business for a minimum of three years
- Has had only one or no contracts with WSDOT
- Is committed to developing a strategic growth plan and receiving support services

For more information on how to enroll in this program, please contact Karen Armstead of Armstead Consulting, Inc. via email at [karen@armsteadconsulting.com](mailto:karen@armsteadconsulting.com) or via telephone at (425) 444-2618.

### Q: What is the status of the Disparity Study and Waiver?

A: After the completion of the Disparity Study, WSDOT developed a proposed Federal Highway Administration (FHWA) overall DBE goal of 11.6 percent and submitted a waiver to remove Caucasian-women owned DBEs from the race-conscious portion of the DBE Program.

WSDOT submitted the proposals in March 2014. The proposed goal must be reviewed and approved by FHWA headquarters. The proposed waiver is presently being reviewed by the United State Department of Transportation. We've been informed, for some states, it has taken more than a year to have waivers approved. We do not know if that will be the case for WSDOT.

For more information regarding the Disparity Study and why WSDOT submitted a waiver, please visit our Disparity Study webpage: [www.wsdot.wa.gov/EqualOpportunity/DisparityStudy/default.htm](http://www.wsdot.wa.gov/EqualOpportunity/DisparityStudy/default.htm).

### Q: I have heard about DBE Program Reform within WSDOT, what does that look like?

A: WSDOT is using a multi-faceted approach to increase the effectiveness of our DBE Program. We are working on nearly 40 different items to improve the implementation of the DBE Program. The major changes include increasing agency-wide accountability, creating an agency wide data reporting system will monitor payments and DBE attainment progress. We are also working on increasing the emphasis on the Small Business Enterprise and DBE Support Services Programs.

# WSDOT DBE NEWS

DECEMBER 2014

## UPCOMING OPPORTUNITY FORUMS

WSDOT is holding "Opportunity Forums" in late January and early February to share information about transportation contracting prospects and for you to network with project staff. Be sure to save the date and plan on attending at least one of the following events:

- Lakewood, January 27, 5:00 to 7:30 p.m.
- Vancouver, January 28, 5:00 to 7:30 p.m.
- Shoreline, January 29, 5:00 to 8:00 p.m.
- Bellingham, February 3, 5:00 to 7:30 p.m.
- Union Gap, February 4, 5:00 to 7:30 p.m.
- Spokane, February 5, 5:00 to 7:30 p.m.

We will be sending out more information soon.

## QUESTIONS, COMMENTS AND SUGGESTIONS...

Do you have ideas on how to improve the DBE Program or concerns that need to be addressed? Please send your questions, comments and suggestions to WSDOT Office of Equal Opportunity at [DBESS@wsdot.wa.gov](mailto:DBESS@wsdot.wa.gov) or call toll free (888) 259-9143.

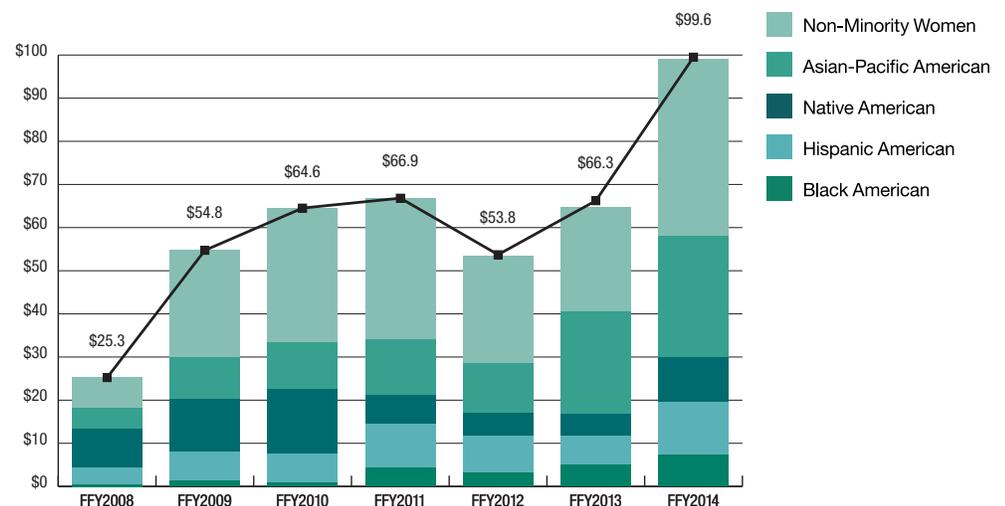
## Business After Hours Event Was a Success!

Thank you to everyone who attended this year's Business After Hours event on Nov. 13. This year's event had the largest attendance so far, with approximately 250 participants. We hope you made meaningful connections, established new business relationships and most importantly, that you've gained contracts and business opportunities.

We also congratulate and thank Skanska for being this year's Champion of Inclusion by embracing diversity throughout its organization. This is obvious from Skanska's workshops, mentoring programs and exceeding an aggressive DBE goal on a complex mega project.



## DBE Awards/Commitments\*



\* This Information is based upon Federal reporting requirements.

Additional DBE participation occurs, but cannot be counted towards the overall DBE goal.

## Because you asked...

### **Q: As a consultant, how can I be successful in navigating through the Safe Harbor process?**

A: Safe Harbor is a pilot program that is intended to remove a potential, initial financial barrier that might otherwise prevent or inhibit new, small and disadvantaged architectural and engineering (A/E) consulting firms from entering the state-administered, federally-funded engineering services market.

The Safe Harbor Pilot Program is called the “Path to Compliance.” Use of Safe Harbor provides new and/or small firms with an indirect cost rate that can be used in their billing rates. Using the Safe Harbor rate allows firms to meet federal requirements as it learns to develop an actual indirect cost rate in accordance with the Federal Cost Principles (CFR 48, Part 31), based on the firm’s actual costs.

Tips to navigate the Safe Harbor process successfully:

- The WSDOT Audit Office is available to meet with small firms one-on-one at the Headquarter building in Olympia to assist them with the process, as needed. These face-to-face meetings have proven to be beneficial for the firm as well as for WSDOT, and as a result, a firm can be enrolled in the Safe Harbor program within the week.
- Read the information on the website and follow up with the Audit Office if you have questions. For more information, please contact Laura Trainer at (360) 705-7819, or visit: [www.wsdot.wa.gov/Audit/SafeHarbor.htm](http://www.wsdot.wa.gov/Audit/SafeHarbor.htm).

The Safe Harbor Program is not the only rate-approval process for working on consultant agreements. If you run into issues with Safe Harbor, please contact the Consultant Services Office at (360) 705-7638.

### **Q: What is the DBE Advisory Group and what is its role with WSDOT?**

A: The DBE Advisory Group is a member organization formed in 2011 when WSDOT started its Disparity Study. The advisory group was formed as a way of keeping stakeholder organizations informed on the status of the study and to seek their perspectives. Additionally, with stakeholder organizations directly involved in the study process; the public, DBEs and contracting community in general would be better informed about activities occurring in the DBE Program.

The DBE Advisory Group was originally facilitated by the Director of the Office of Equal Opportunity, but in the last year it has expanded with key members including the Secretary of Transportation, Deputy Secretary of Transportation and other members of the WSDOT Executive Team, as well as key members from the National Association of Minority Contractors – Washington Chapter, Women in Highway Construction, Tabor 100, Association of General Contractors, Washington Asphalt Pavement Association and other stakeholder organizations. The DBE Advisory Group is now providing various perspectives to assist WSDOT with process improvements related to the DBE Program reforms. You will be kept informed as WSDOT make changes to improve the DBE Program’s implementation within the agency.

### **Q: What steps can a subcontractor take to ensure timely payment?**

A: First and most importantly, be sure to read your contract with the prime contractor. The payment terms are outlined in your contract. Frequently, payments are delayed due to improperly submitted or missing required documents such as:

- Intent to pay prevailing wage
- Materials testing documents or certification
- Monthly request/certification for payments
- Lien releases
- Request for release of retainage
- Affidavit of amounts paid

Your prime contractor has an obligation through the subcontract to make payments within a prescribed timeframe for work performed by you. The key is to communicate often with your prime. Establish, provide and document what is required for monthly payments. If you get into a dispute over payment the records (emails, letters, etc.) you create will serve you well.

*Following are a few state laws which may be useful for you to review:*

- **RCW 39.76.011:** If the prime withholds funds due to you, they must comply with notice requirements. Late payments may entitle you to interest payments.
- **RCW 39.04.250:** Outlines the process for disputed payments amounts between you and a prime contractor.

Review the Subcontract and Prime’s Contract with WSDOT: Read the provisions in the contract that provide for contract changes and disputes. If you believe that the work has changed from the work as described in your subcontract, you may be entitled to additional payment from the prime or the owner as a change to the contract. Protect your rights by strictly complying with the notice provisions and protest/escalation process.

*How do I get payment information from the WSDOT?*

You may request payment information from the WSDOT Project Engineer office in charge of the contract.

*What if I’m still not getting paid?*

If you are unable to resolve issues and you believe the prime is not complying with the prompt pay provisions then bring the issue to the attention of the WSDOT project engineer. While WSDOT did not sign your subcontract and isn’t a “party” to it, we still have the ultimately responsibility to ensure that our DBE firms are being paid promptly.

As such, we are in the process of developing a new prompt payment tool and enforcement mechanism. Hopefully we can get this new tool implemented quickly, stay tuned!



# WSDOT

# DBE NEWS

JANUARY 2015

## FUTURE NEWSLETTERS

WSDOT will be publishing future newsletters on a quarterly basis. Look for the next edition in March 2015.

## QUESTIONS, COMMENTS AND SUGGESTIONS...

Do you have ideas on how to improve the DBE Program or concerns that need to be addressed? Please send your questions, comments and suggestions to WSDOT Office of Equal Opportunity at [DEBESS@wsdot.wa.gov](mailto:DEBESS@wsdot.wa.gov) or call toll free (888) 259-9143.

## DBE Opportunity Forums

WSDOT is holding "Opportunity Forums" to share information about transportation contracting prospects. At these forums you will also have an opportunity to network with WSDOT project staff, purchasing personnel, and prime contractors. Participants will hear information about upcoming local construction projects, as well as the benefits of the DBE program.

Each Forum will be discussing local opportunities. For more information, see the schedule below:

- **Olympic Region Opportunities:**  
5 – 7:30 p.m., Tuesday, Jan. 27  
WSDOT Maintenance Facility, conference room  
11211 41st Ave. SW, Lakewood
- **Southwest Region Opportunities:**  
5 – 7:30 p.m., Wednesday, Jan. 28  
WSDOT Southwest Region Headquarters, cafeteria  
11018 NE 51st Circle, Vancouver
- **Northwest Region, SR 520 Program and Alaskan Way Viaduct Program:**  
5 – 8:00 p.m., Thursday, Jan. 29  
WSDOT Northwest Region Headquarters, cafeteria  
15700 Dayton Ave N, Shoreline
- **Northwest Region Opportunities:**  
5 – 7:30 p.m., Tuesday, Feb. 3  
WSDOT Maintenance Office, conference room  
3920 Airport Way, Bellingham
- **North and South Central Region Opportunities:**  
5 – 7:30 p.m., Wednesday, Feb. 4  
WSDOT South Central Region, boardroom  
2809 Rudkin Road, Union Gap
- **Eastern Region Opportunities:**  
5 – 7:30 p.m., Thursday, Feb. 5  
WSDOT Eastern Region Headquarters, Spokane County conference room  
2714 N. Mayfair St., Spokane

For more information or to RSVP, please call toll free (888) 259-9143 or email [DEBESS@wsdot.wa.gov](mailto:DEBESS@wsdot.wa.gov).

## WSDOT Contractor Civil Rights Program Training

WSDOT will be conducting Contractor Civil Rights Program Trainings for prime and subcontractors, Disadvantaged Business Enterprises (DBEs) and non-DBEs. These trainings are geared towards contractors and will provide participants with a variety of program updates and overviews. These trainings will better prepare your company to work for WSDOT as a DBE and with the DBE Program. Trainings include:

- Disadvantaged Business Enterprise Program
- Equal Employment Opportunity Program
- On-the-Job Training Supportive Services
- Title VI
- USDOT's Bonding Education Program and Short-Term Lending Program
- DBE Certification Program/ North American Industry Classification System Codes
- Tribal Requirements
- USDOT Office of the Inspector General

## WSDOT Contractor Civil Rights Program Training (continued)

These trainings are hosted by the WSDOT Office of Equal Opportunity, but include representatives from WSDOT's Headquarters Construction, the Washington State Office of Minority and Women's Business Enterprises, Tribal Employments Rights Programs, USDOT's Small Business Transportation Resource Center, and USDOT's Office Inspector General. The trainings will be held on the following dates and locations from 8:30 a.m. to 4:30 p.m. unless otherwise noted:

- Bellingham, Wednesday, Feb. 4  
Lummi Administration Building  
2665 Kwina Road, Bellingham  
9:00 a.m. to 4:30 p.m.
- Shoreline, Thursday, Feb. 12  
Shoreline Business Center - Mt. Rainier Conference Room  
18560 1st Ave. NE., Shoreline
- Kent, Wednesday, Feb. 18  
WSDOT Kent Maintenance Facility  
26620 68th Ave. S., Kent
- Olympia, Thursday, Feb. 26  
Ramada Inn - Rainier Room  
4520 Martin Way E., Olympia
- Vancouver, Thursday, March 5  
WSDOT Southwest Region Office  
11018 NE 51st Circle, Vancouver
- Spokane, Thursday, March 12  
Mirabeau Park Hotel  
N 1100 Sullivan Rd., Spokane Valley
- Yakima, Thursday, March 25  
Red Lion Hotel & Conference  
607 E Yakima Ave., Yakima

For more information, or to register, please visit [www.wsdot.wa.gov/localprograms/ltap/](http://www.wsdot.wa.gov/localprograms/ltap/). If you have any questions, please contact John Huff, DBE Program Supervisor at (360) 705-7010.

## Procurement and Technical Assistance Centers

By working with the Procurement and Technical Assistance Center (PTAC), Washington State companies have reported winning more than \$463 million in local, state and federal contracts since 2010. Washington PTAC counselors across the state are dedicated to providing businesses with no-cost assistance that will help them meet their government contracting goals. If you are a business in Washington State, please reach out to a counselor near you with your questions and challenges related to finding opportunities, bidding on solicitations, networking with primes, getting paid, registrations, certifications, and more!

Interested in a training opportunity not offered in your area? See your PTAC counselor for alternate learning opportunities. For more information on their events please visit: [www.washingtonptac.org/events](http://www.washingtonptac.org/events).

If you are interested in a course that has a fee and is tied to WSDOT work, as a DBE you may qualify for the class for free, email [DBESS@wsdot.wa.gov](mailto:DBESS@wsdot.wa.gov) for more information.

## Two of the Largest Government Tradeshow in Washington – Coming this March!

### Alliance Northwest

March 5, 2015  
Washington State Fair in Puyallup  
Sleep Country Showplex  
110 9th Ave SW, Puyallup  
7:30 a.m. – 4:00 p.m.  
Cost: \$85.00  
<http://alliancencwconference.org/>

Alliance Northwest is one of the largest business-to-government conferences in the Pacific Northwest. This event features keynote speakers, high quality workshops, and matchmaking sessions with government agencies and prime contractors. If you are looking to network with a broad mix of contractors be sure to attend this event. The early bird registration and pricing ends January 31st, so register soon!

### Regional Contracting Forum

March 10, 2015  
Washington State Convention Center  
800 Convention Place, Seattle  
8:00 a.m. to 3:30 p.m.  
Cost: Free  
[www.kingcounty.gov/contractforum](http://www.kingcounty.gov/contractforum)

At the Regional Contracting Forum you get to introduce your business to the Region's largest government entities: King County, Port of Seattle, University of Washington, Sound Transit, Washington State Department of Enterprise Services, Washington State Department of Transportation, Washington State Office of Minority and Women's Owned Business Enterprises, Port of Tacoma, City of Seattle and others. Attendees have the opportunity to meet government contracting representatives and to network with contractors, consultants, and suppliers all at one event.

If you are trying to step into government contracting this is the place to be, plus it's **FREE!**



# WSDOT DBE NEWS

MARCH QUARTERLY EDITION

## CONSULTANT RATE APPROVAL PROCESS UPDATE

### Indirect Cost Rate or the Safe Harbor Overhead Rate

WSDOT offers free training on Basic Timekeeping - available at the following link: [www.wsdot.wa.gov/Audit/guides.htm](http://www.wsdot.wa.gov/Audit/guides.htm). This free class is a 50 minute webinar, and the slides can be printed for reference as well. WSDOT is planning on providing training for Indirect Cost Rates; more information will be made available shortly.

WSDOT has staff available to answer your consultant rate approval process questions, or to meet with you in person. For more information please contact one of the individual below:

- Martha Roach (360) 705-7006 or [RoachMa@wsdot.wa.gov](mailto:RoachMa@wsdot.wa.gov)
- Brian Stallman (360) 705-7818 or [StallmB@wsdot.wa.gov](mailto:StallmB@wsdot.wa.gov)
- Schatzie Harvey (360) 705-6967 or [HarveyS@wsdot.wa.gov](mailto:HarveyS@wsdot.wa.gov)

Or visit the Safe Harbor webpage at:

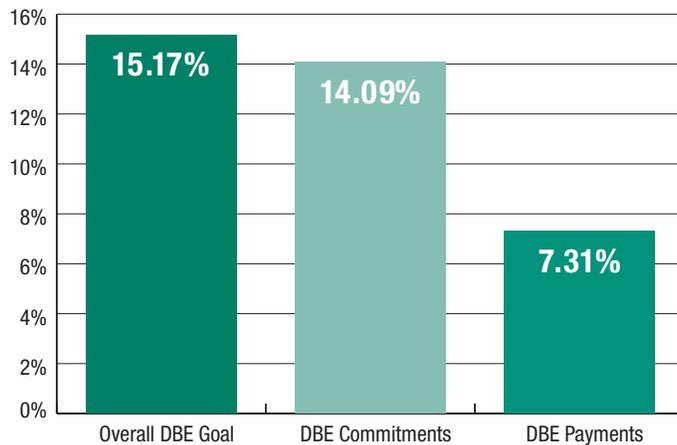
[www.wsdot.wa.gov/Audit/SafeHarbor.htm](http://www.wsdot.wa.gov/Audit/SafeHarbor.htm)

## FEDERAL TRANSIT ADMINISTRATION DBE PROGRAM IMPROVEMENTS

WSDOT is developing a plan to increase the DBE participation in our Federal Transit Administration DBE Program. If you have ideas on improving this program, please let us know by emailing the WSDOT Office of Equal Opportunity at [DBESS@wsdot.wa.gov](mailto:DBESS@wsdot.wa.gov) or call toll free (888) 259-9143.

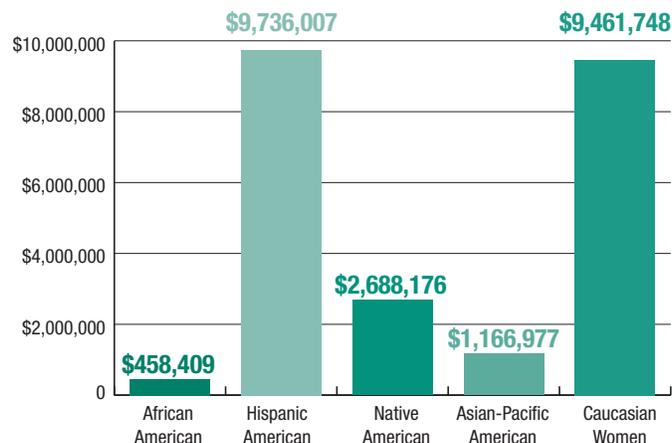
## What is WSDOT's DBE utilization?

Federal Fiscal Year 2015 began October 1, 2014. As of February 19, 2015, WSDOT (Local Programs, Consultant Services and HQ Construction) is attaining 14.09% in DBE commitments (goals 13.80% and voluntary participation 0.29%) and 7.31% in payments to DBE firms.



*(The DBE payments reflect a Commercially Useful Function review finding, which disqualified approximately \$1,500,000 in DBE participation.)*

## Of WSDOT's current DBE commitments, what amount goes to specific race, ethnicities and genders?



As represented in the graph above, there is an unequal distribution of DBE dollars going to African American, Asian-Pacific American and Native American owned firms. WSDOT would like your suggestions and ideas on how to achieve more balanced participation by all DBE firms. Please submit your comments and suggestions to [DBESS@wsdot.wa.gov](mailto:DBESS@wsdot.wa.gov).

## Does the DBE Program apply only to highway projects?

The DBE Program does not apply only to highway projects. WSDOT has smaller Federal Transit Administration (FTA) and Federal Aviation Administration (FAA) DBE Programs as well. The following chart is an illustration of how much funding we received in recent years from each USDOT mode:

Federal Fiscal Year	USDOT Mode	Total Contracts/ Grants Awarded	Overall Goal	Potential DBE Dollars	DBE Commitments*	DBE Payments Reported*
2014	FHWA	\$706,076,634	15.17%	\$107,111,825	\$99,553,810	\$62,274,278
2013	FHWA	\$404,151,123	15.17%	\$61,309,725	\$66,314,243	\$44,815,518
2012	FHWA	\$353,149,980	15.17%	\$53,572,852	\$53,789,082	\$53,389,088
2014	FTA	\$20,230,447	3.26%	\$659,513	\$62,839	\$0
2013	FTA	\$20,197,679	7.51%	\$1,516,845	\$117,880	\$0
2012	FTA	\$18,518,226	7.51%	\$1,390,719	\$0	\$0

\* DBE Commitments are made on contracts awarded during a Federal Fiscal Year, DBE Payments are made on contracts closed that Federal Fiscal Year. The DBE Payments are made on contracts that may have started from one to five years previous.

For Federal Fiscal Years 2015 through 2017, WSDOT has estimated approximately \$3.62 million will be received from FAA. With a race-neutral goal of 6.9%, this equals approximately \$83,260 in potential DBE dollars annually. These comparative funding levels are the reason why current program enhancements are focused more on FHWA and FTA. Nevertheless, we continue to work on making all facets of the DBE program more effective. We are presently focusing our efforts directly around FHWA and FTA, with FAA to follow. Some of the challenges with FTA include:

- Funding goes to Washington State Ferries, which is a difficult market due to the additional bonding requirements of performing work on or near water. However, WSDOT has recently established a “Condition of Award” DBE goal of 12% on the Colman Dock project. This project is estimated to cost over 150 million dollars. Get your life preservers ready! For more information on this project visit: [www.wsdot.wa.gov/projects/ferries/colmanmultimodalterminal/](http://www.wsdot.wa.gov/projects/ferries/colmanmultimodalterminal/).
- Funding goes to non-urban or rural transit providers primarily for salaries, fuel, administrative and overhead costs, and to Rural Transportation Planning Organizations and Metropolitan Planning Organizations for human service planning studies. This funding is passed through the WSDOT Public Transportation Division (PTD) primarily in the form of grants. PTD is working with the Office of Equal Opportunity to determine where opportunities exist and how to utilize DBEs for these opportunities.

If you need bonding assistance, please contact USDOT’s Northwest Small Business Transportation Resource Center at: [www.dot.gov/osdbu/nw-sbtrc](http://www.dot.gov/osdbu/nw-sbtrc) or (425) 248-4222.

If you have any suggestions, comments or recommendations on how we can improve these programs, please let us know by calling toll free 888-259-9143 or emailing [DBESS@wsdot.wa.gov](mailto:DBESS@wsdot.wa.gov).

## What is the Native Procurement and Technical Assistance Center?

The Native Procurement Technical Assistance Center (Native PTAC) is a free community resource with the mission to assist Native Individuals, Tribal Enterprises, Alaska Native Corporations, and Native Hawaiian Organizations to become more successful in contracting with Federal, State, Local and Native governments. Native PTAC is hosted by Two Rivers CDC, a non-profit formed to support economic development in Native American communities.

Among their services, Native PTACs provide one-on-one assistance with government certifications and registrations, classes and workshops, bid match opportunities, interpretation of solicitations, bid/proposal reviews, marketing advice, and contract performance support for designated socio-economic programs.

There are PTACs in every state and six Native American PTACs in the United States. Each Native American PTAC covers approximately two Bureau of Indian Affairs Regions. The Native American PTAC program is unique because, in addition to the regular assistance PTAC provides - Native PTACs help with business opportunities, certifications and programs unique to Native businesses and Tribal governments. To learn more about Native PTAC you can visit: [www.NativePTAC.org](http://www.NativePTAC.org).

## Update on DBE Program Changes

As reported in previous newsletters, WSDOT is working on revising its contract language “General Special Provisions” related to highway construction and the DBE Program. The latest iteration is being reviewed by the Federal Highway Administration. As soon as we have approved DBE General Special Provisions we will provide information on how those changes will affect you.



# OPPORTUNITY FORUMS:

## DOING BUSINESS WITH THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

### WHAT?

The Washington State Department of Transportation is holding "Opportunity Forums" to share information about transportation contracting prospects. At these forums, you will also have an opportunity to network with WSDOT project staff, other purchasing personnel, and prime contractors. Come learn more about participating on state and federally funded transportation projects, subcontracting and vendor opportunities.

Topics include:

- WSDOT's planned construction projects including subcontractable scopes of work
- Disadvantaged Business Enterprise Program –
  - ✓ Office of Minority & Women's Business Enterprise
  - ✓ WSDOT Office of Equal Opportunity

### WHO SHOULD ATTEND?

Anyone interested in business opportunities with WSDOT:

- Disadvantaged, minority, women-owned and small-businesses
  - ✓ DBE-certified and non-certified businesses
  - ✓ Tribal business owners
- Trade organizations and local government agencies
- Prime contractors and consultants

### WHERE?

#### **5 – 7:30 p.m., Tuesday, Jan. 27**

WSDOT Maintenance Facility,  
conference room,  
11211 41st Ave. SW, Lakewood

#### **5 – 7:30 p.m., Wednesday, Jan. 28**

WSDOT Southwest Region Headquarters,  
cafeteria  
11018 NE 51st Circle, Vancouver

#### **5 – 8:00 p.m., Thursday, Jan. 29**

WSDOT Northwest Region Headquarters,  
cafeteria  
15700 Dayton Ave N, Seattle

#### **5 – 7:30 p.m., Tuesday, Feb. 3**

WSDOT Maintenance Office  
3920 Airport Way, Bellingham

#### **5 – 7:30 p.m., Wednesday, Feb. 4**

WSDOT South Central Region, boardroom  
2809 Rudkin Road, Union Gap

#### **5 – 7:30 p.m., Thursday, Feb. 5**

WSDOT Eastern Region Headquarters  
2714 N. Mayfair St., Spokane

PLEASE RSVP BY EMAILING **DBESS@WSDOT.WA.GOV** WITH YOUR  
NAME AND THE LOCATION(S) YOU WILL BE ATTENDING.

- Contact the WSDOT Project Engineer's Office and ask for assistance if you are unable to resolve the issue with the Prime Contractor.
- WSDOT can withhold payment or sanction Prime Contractors. However, we would really like to resolve these issues at the lowest level possible. Please help us do so and let us know of any prompt payment issues as soon as possible.
- You have the right and it is appropriate to file a lien against the Prime Contractor's bond.
- Create good records. Document conversations in writing (email, letters, etc.).
- Your contract will generally include a dispute resolution process. That is your contractual remedy for resolving disputes.

### Legal Disclaimer:

Please note: The above information is being provided for your general information only and is based on a WSDOT standard Contract. Review the requirements of your Contract in these general areas for the requirements that apply. Processes and documentation required of you may not conform with the information provided herein, based upon the particular State contract, subcontract, the work your business performs, or other factors. Therefore, the information provided herein by WSDOT should not be relied upon as legal advice; and WSDOT is not liable or responsible for the consequences of any action taken, or reliance upon, the information provided. WSDOT recommends that you seek independent legal advice to determine your rights and obligations under any written agreement.

If you continue to have issues that you feel are not being addressed, you should contact the WSDOT Office of Equal Opportunity at (360) 705-7090 or [DBESS@wsdot.wa.gov](mailto:DBESS@wsdot.wa.gov).



**Americans with Disabilities Act (ADA) Information:** This material can be made available in an alternate format by emailing the WSDOT Diversity/ADA Affairs team at [wsdotada@wsdot.wa.gov](mailto:wsdotada@wsdot.wa.gov) or by calling toll free, 855-362-4ADA(4232). Persons who are deaf or hard of hearing may make a request by calling the Washington State Relay at 711.

**Title VI Statement to Public:** It is the Washington State Department of Transportation's (WSDOT) policy to assure that no person shall, on the grounds of race, color, national origin or sex, as provided by Title VI of the Civil Rights Act of 1964, be excluded from participation in, be denied the benefits of, or be otherwise discriminated against under any of its federally funded programs and activities. Any person who believes his/her Title VI protection has been violated, may file a complaint with WSDOT's Office of Equal Opportunity (OEO). For additional information regarding Title VI complaint procedures and/or information regarding our non-discrimination obligations, please contact OEO's Title VI Coordinator, Jonté Robinson at (360) 705-7082.

# Subcontracting on WSDOT Projects from Prior to Bid to Payment

## Prior to Bid: Prime Contractor (Bidder)

- The prime contractor may contact you to determine if your firm is interested in bidding on a scope of work. If the Prime Contractor does not contact you, WSDOT encourages you to be proactive and contact the Prime Contractor to see if they are interested in your scope of work or bid.
- The Prime Contractor may send out a Request For Proposal (RFP):
  - o Related to subcontracting, the Prime's RFP should contain, at a minimum:
    - The specific work to be performed. (If trucking, include maximum trucks required for peak work efforts.)
    - The approximate schedule when work will be performed.
    - The approximate duration of subcontract work in terms of working days.
    - The method of payment (e.g. time and materials, lump sum).
  - o The RFP may also include requirements such as:
    - Prevailing wages;
    - Night work;
    - Apprenticeship requirements;
    - Union participation; and/or
    - Bonding requirements.

## Subcontractor (DBE)

- Respond with a quote:
  - o Identify the work included in the proposal that you are certified to perform. If you intend to bid on work for which you are not certified, be sure to make that information clear. Please keep in mind that if you are not certified to perform the work you bid on, the Prime contractor cannot count the value of that work towards the Contract's DBE goal.
  - o Price the conditions (e.g. night work, scheduling, etc.) as required in the RFP, ensuring any quote provided meets the requirements of the WSDOT project plans and specifications.
  - o If conditions are not acceptable, discuss or negotiate them with the Prime Contractor.
  - o Condition your bid accordingly.
- Or don't provide a quote.

## Prime Contractor (Bidder)

- Once the Prime Contractor accepts your quote along with conditions, if any, the Prime may indicate it intends to enter into a contract with your firm by listing your firm and the dollar amount in the DBE utilization certification. (Form #272-056)

## Subcontractor (DBE)

- To work as a DBE on a WSDOT construction project, you must indicate you have reached agreement and intend to enter into a contract with the Prime Contractor by signing and submitting a written confirmation document. (Form #422-031). The Prime Contractor must submit this written confirmation document within forty eight (48) hours of the bid opening on WSDOT projects.

- The description of work and the subcontract amount to be applied to the Contract DBE goal indicated in the Written Confirmation document must be consistent with the information provided in the Prime Contractor's Utilization Certification form.

## After Bid (Prime Contractor is awarded the contract): Subcontractor (DBE)

- A subcontract is negotiated based on the conditions in the Prime Contractor's RFP, if any, and the Prime's standard subcontract document, as conditioned by the subcontractor's quote.
  - o Be sure you read and understand all the provisions of your subcontract - once you sign it, you are legally bound to the document.
  - o Make sure your inclusions and exclusions are contained within the contract.
  - o Make sure how change orders or price agreements related to your work are executed by written agreement.
- It is important that you negotiate with the Prime Contractor regarding any disagreements in this phase. If you are not able to come to agreeable terms, be prepared to respond to a request for 'Termination' by the Prime Contractor within the required five (5) days.
  - o Document all communications that lead up this point, including the basis of your decision not to sign the contract.
  - o Document the impacts of not signing the contract, if any.

## Prime Contractor

### Request to Sublet:

- Submits a Request to Sublet to the WSDOT Project Engineer's Office for your company prior to you starting work on the project. (Form #421-012)
- If it is a Federal Aid Project, the Subcontract Agreement and Certification (Form# 420-004) must also be completed and submitted prior to starting work.

## Subcontractor (DBE)

### Statement of Intent:

- File a [Statement of Intent](#) to Pay Prevailing Wages (SOI) with the Department of Labor & Industries (L&I). This form is provided by L&I and it certifies that your firm is working on a public works project and you intend to pay employees a prevailing wage. An owner may not pay for work performed by a contractor until their SOI is approved by L&I (RCW 39.12.040 and L&I Form #F700-029-000). See Section 1-7.9(5) of the Standard Specifications.
- Failure to do so will **delay payment** to the Prime Contractor and/or Subcontractor.

### Materials documentation:

- Request a copy of the Record of Materials (ROM) from the Prime Contractor. The ROM will explain what materials acceptance documentation will be required associated with your items of work.
- Submit the correct materials approval documentation; ([Request for Approval of Materials](#) (RAM), check the [Qualified Products List](#), etc.) prior to the work. (See Section 1-06 of the Standard Specifications).
- If you fail to provide materials approvals, samples, tests and/or other required steps it will **delay payment** to the Prime Contractor and/or Subcontractor.
- FHWA has approved joint checks for DBEs only when they are used for purchasing materials and supplies specific to the contract you are working on. Follow the Joint Checking language contained within the DBE General Special Provision.

## During Work:

### Subcontractor (DBE)

#### Subletting to a Lower Tier Contractor:

- If you need additional resources and intend to sublet a portion of your work, provide that information to the Prime Contractor before work begins. It is essential that the Prime Contractor has the ability to validate that the lower tier subcontractor is also a DBE firm certified

to perform the work, so that your work, including any work you subcontract, can be counted towards the Contract's DBE goal.

### Material on Hand (MOH):

- You may be eligible to request payment for materials purchased before their use given certain conditions. See Section 1-09.8 of the Standard Specifications.

### Certified Payrolls:

- Submit weekly [Certified Payrolls](#). See RCW 39.12.050 and/or the Federal regulations (29 CFR 5.12) as well as Section 1-7.9(5) of the Standard Specifications.
- The WSDOT Project Engineer's Office will verify that that you are using the proper materials and have submitted certified payrolls.
- If you fail to submit certified payrolls it will **delay payment** to the Prime Contractor and/or Subcontractor.

### Schedules:

- Request schedule updates from the Prime or require them as a condition of your subcontract so you can coordinate your work. Keep records of timing commitments and delivery.
- Impacting the Prime's schedule may cause disputes that **delay payment**.

### Contract Changes:

- If actual work to be performed is less than the amount in your contract, the Prime Contractor may need to request a 'partial termination'. As above, be prepared to respond to the request within the required five (5) days.
- If conditions of your contract change (added work, deleted work, changes in the nature of the work, etc.), you may be entitled to a written Change Order prior to performing the work. If you are directed to proceed, you should follow the protest procedures to preserve your right to compensation. See Section 1-04.4 through 1-04.6 of the Standard Specifications.

### Invoicing:

- Review your subcontract for the precise payment procedures.
- The Prime Contractor will likely not pay you until WSDOT approves your work and pays it for your work. This means the WSDOT staff will inspect your work and ensure it is accurate and complete, including your paperwork (RAM, Certified Payrolls, Manufacturer's Certification of Compliance, Certification of Materials Origin, Bill of Lading, etc.).
- WSDOT estimate cutoff dates are on the 5th of each month for odd numbered Contracts or the 20th of each month for even numbered contracts. WSDOT typically pays the Prime Contractors within ten (10) working days of the estimate cutoff. The Prime Contractor then has ten (10) days after it receives payment from WSDOT to pay you. ([RCW 39.04.250](#))
- You may request a copy of the monthly estimates from the WSDOT Project Engineer's Office to see what has been paid to the Prime Contractor.

### Liens:

- If you have not posted a bond, a subcontract may allow the Prime to clear liens prior to paying a subcontractor.
- Liens typically come from suppliers, unions, and L&I.
- Establish procedures as part of your subcontract and maintain communication with your Prime on when and how liens get cleared.

### Lower Tier Subcontractor:

- When you subcontract to another firm, the value of the subcontracted work may only be counted toward the DBE Contract goal if the lower tier subcontractor is also a DBE firm certified to perform the work.

### What can you do if you are not paid?

- Contact the Prime Contractor to discuss what needs to be done to get paid. The Prime has an obligation to advise you of the remedy if it is deferring payment.

# SUBCONTRACTING ON CONSTRUCTION PROJECTS WITH THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

## WHEN:

May 19, 2015

4:00 p.m. to 8:00 p.m.

## WHERE:

NewHolly Gathering Hall  
7054 32nd Avenue South  
Seattle, WA 98118

## WHAT:

WSDOT Headquarters Construction Division has partnered with the Office of Equal Opportunity to provide an important workshop for your company about the contracting and subcontracting process with WSDOT. This class will prepare your company to work more successfully with WSDOT, increase your knowledge regarding our contractual requirements, and help you to be paid in a prompt fashion.

Complying with federally funded public works contracts is fairly complicated. This workshop will help you understand your rights and obligations under the contract. Knowing what the contract requirements are will help you get paid more timely. In this class you will have an opportunity to learn about the basic elements of a WSDOT contract and what you need to do from before you bid to when the contract is closed out. Topics include:

- Bidding Requirements
- Buy America
- Materials Documentation
- Certified Payroll and Prevailing Wages
- Schedules
- Change Order Process
- Invoicing and Payment
- Liens
- Materials on Hand
- Lower Tier Subcontractors

## HOW:

Registration for this workshop is required. To register, please email [DBESS@wsdot.wa.gov](mailto:DBESS@wsdot.wa.gov) by May 18th. If you have any questions, please contact Jackie Bayne at 360.705.7084.



# WSDOT Contractor Civil Rights Program Training

WSDOT will be conducting Contractor Civil Rights Program Trainings for prime and subcontractors, Disadvantaged Business Enterprises (DBEs) and non-DBEs. These trainings are geared towards contractors and will provide participants with a variety of program updates and overviews. These trainings will better prepare your company to work for WSDOT as a DBE and work with the DBE Program. Trainings include:

- Disadvantaged Business Enterprise Program
- Equal Employment Opportunity Program
- On-the-Job Training Supportive Services
- Title VI
- USDOT's Bonding Education Program and Short-Term Lending Program
- DBE Certification Program/  
North American Industry Classification System Codes
- Tribal Requirements
- USDOT Office of the Inspector General

These trainings are hosted by the WSDOT Office of Equal Opportunity, but include representatives from WSDOT's Headquarters Construction, the Washington State Office of Minority and Women's Business Enterprises, Tribal Employments Rights Programs, USDOT's Small Business Transportation Resource Center, and USDOT's Office Inspector General. The trainings will be held on the following dates and locations:

**Bellingham, Wednesday, Feb. 4 - 9:00 a.m. to 4:30 p.m.**

Lummi Administration Building  
2665 Kwina Road, Bellingham

**Shoreline, Thursday, Feb. 12 - 8:30 a.m. to 4:30 p.m.**

Shoreline Business Center - Mt. Rainier Conference Room  
18560 1st Ave. NE., Shoreline

**Kent, Wednesday, Feb. 18 - 8:30 a.m. to 4:30 p.m.**

WSDOT Kent Maintenance Facility  
26620 68th Ave. S., Kent

**Olympia, Thursday, Feb. 26 - 8:30 a.m. to 4:30 p.m.**

Ramada Inn - Rainier Room  
4520 Martin Way E., Olympia

**Vancouver, Thursday, March 5 - 8:30 a.m. to 4:30 p.m.**

WSDOT Southwest Region Office  
11018 NE 51st Circle, Vancouver

**Spokane, Thursday, March 12 - 8:30 a.m. to 4:30 p.m.**

Mirabeau Park Hotel  
N 1100 Sullivan Rd., Spokane Valley

**Yakima, Wednesday, March 25 - 8:30 a.m. to 4:30 p.m.**

Red Lion Hotel & Conference  
607 E Yakima Ave., Yakima

To register please visit: <http://www.wsdot.wa.gov/LocalPrograms/LTAP/>  
If you have any questions, please contact John Huff at (360) 705-7010 or [HuffJ@wsdot.wa.gov](mailto:HuffJ@wsdot.wa.gov)