



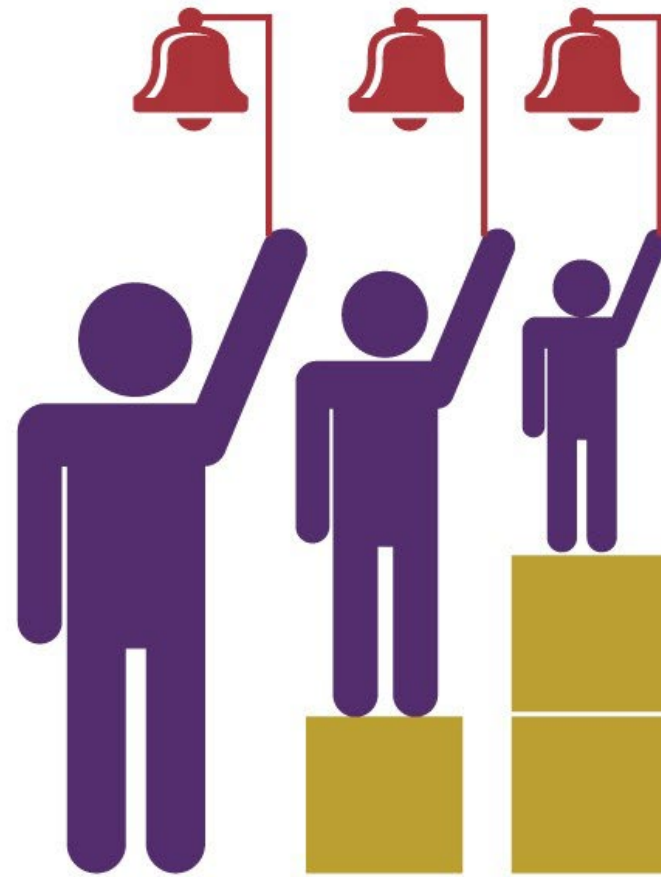
DBE Program Updates – January 25, 2022

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Kathleen Panak, JD, GFE Analyst, WisDOT





EQUALITY



EQUITY

DBE Program Insights – FFY 2021 Commitments

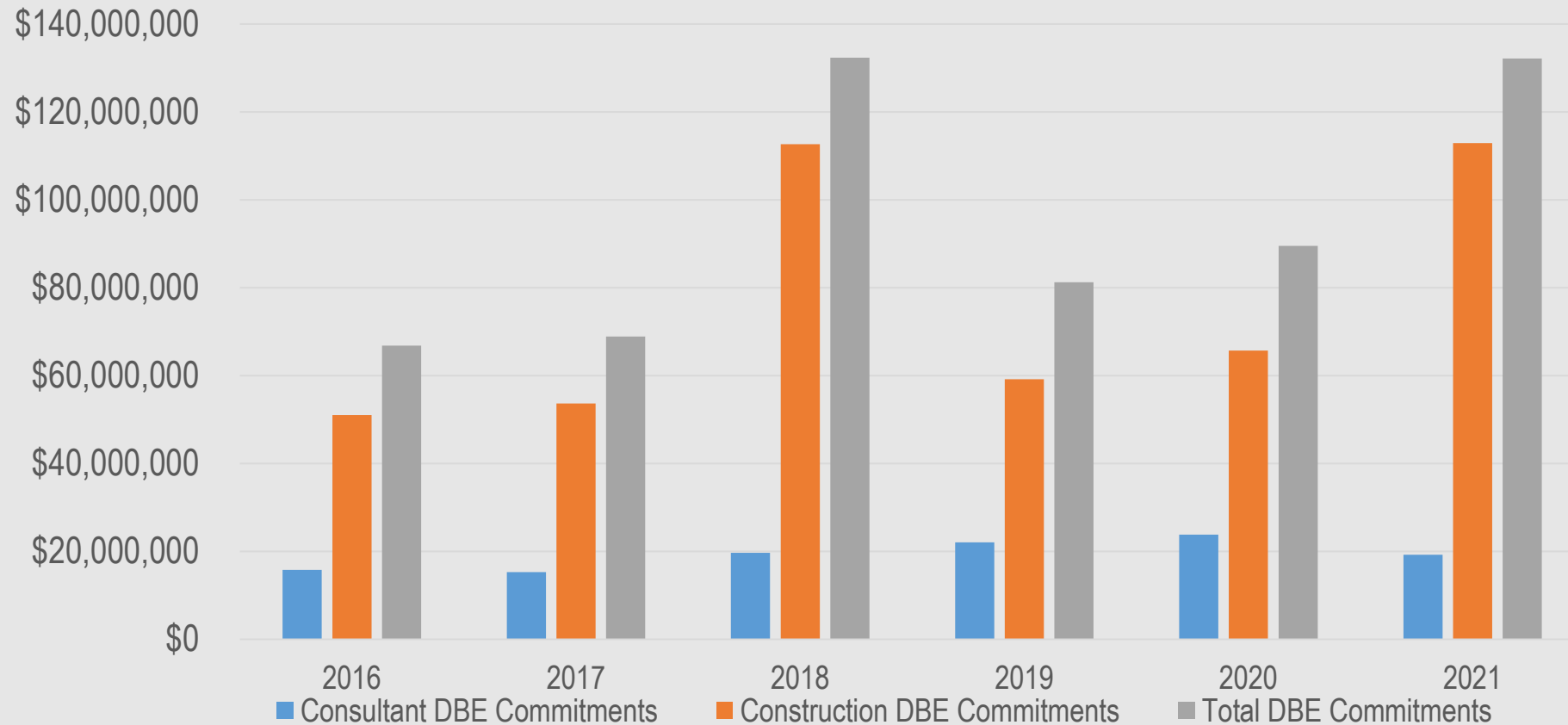
- \$132,152,955 total commitments to DBEs – 14.57% of federal funds
 -  \$42 million from FFY 2020
- Commitment break out-
 - Minority Men and Women - \$52,063,843
 - Non-Minority Men and Women - \$89,189,984
- Compared to FFY 2020
 - Asian Pacific and Hispanic Americans 
 - Subcontinent Asian Americans 
 - Non-minority, Black, Native Americans remained steady
 - \$20 million + commitments after contract execution!

DBE Program Insights – FFY 2021 - Payments

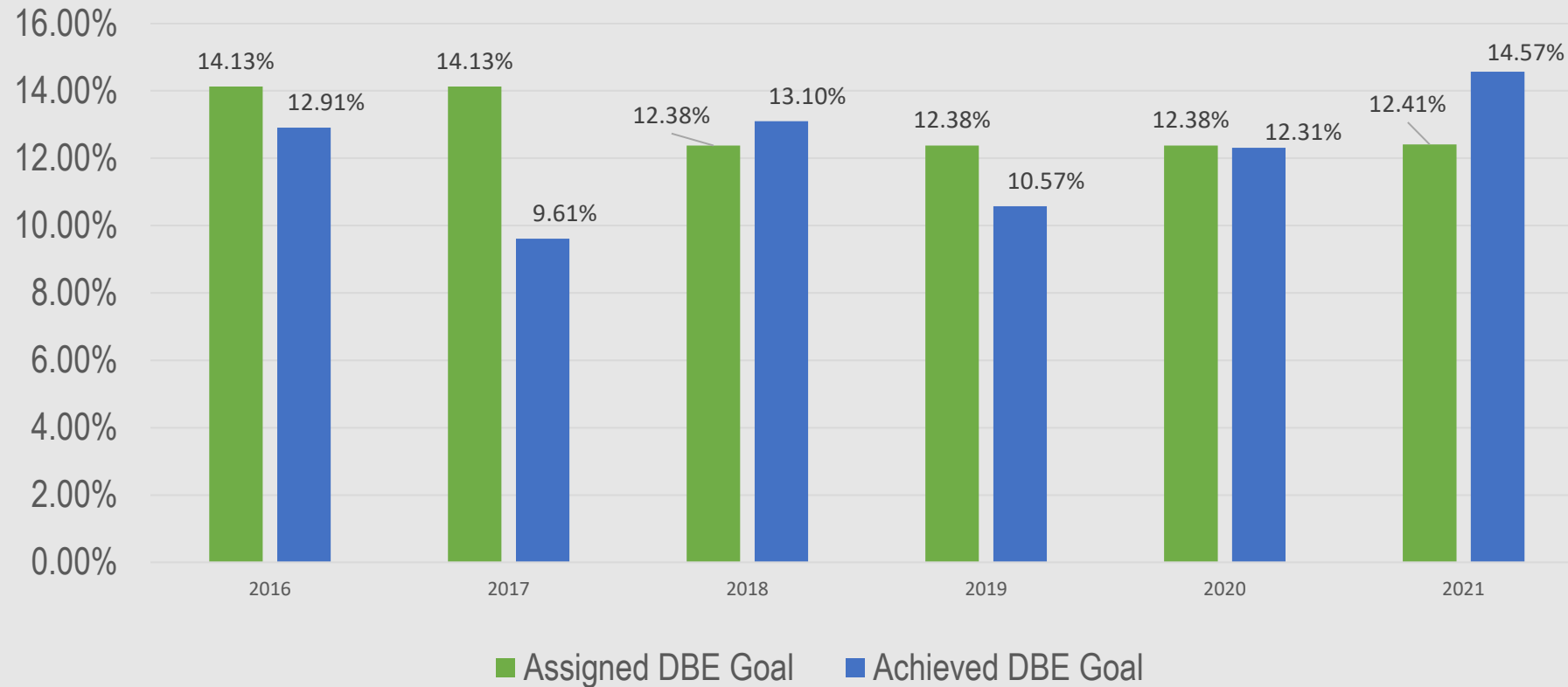
- Payments to DBEs – Ongoing projects
 - FFY 2020
 - \$90.9 million
 - 128 DBE firms paid
 - FFY 2021
 - \$96.3 million
 - 190 DBE firms paid
- Payments to DBEs – Closed projects FFY 2020 & FFY 2021
 - \$100 million + paid in contracts closed annually



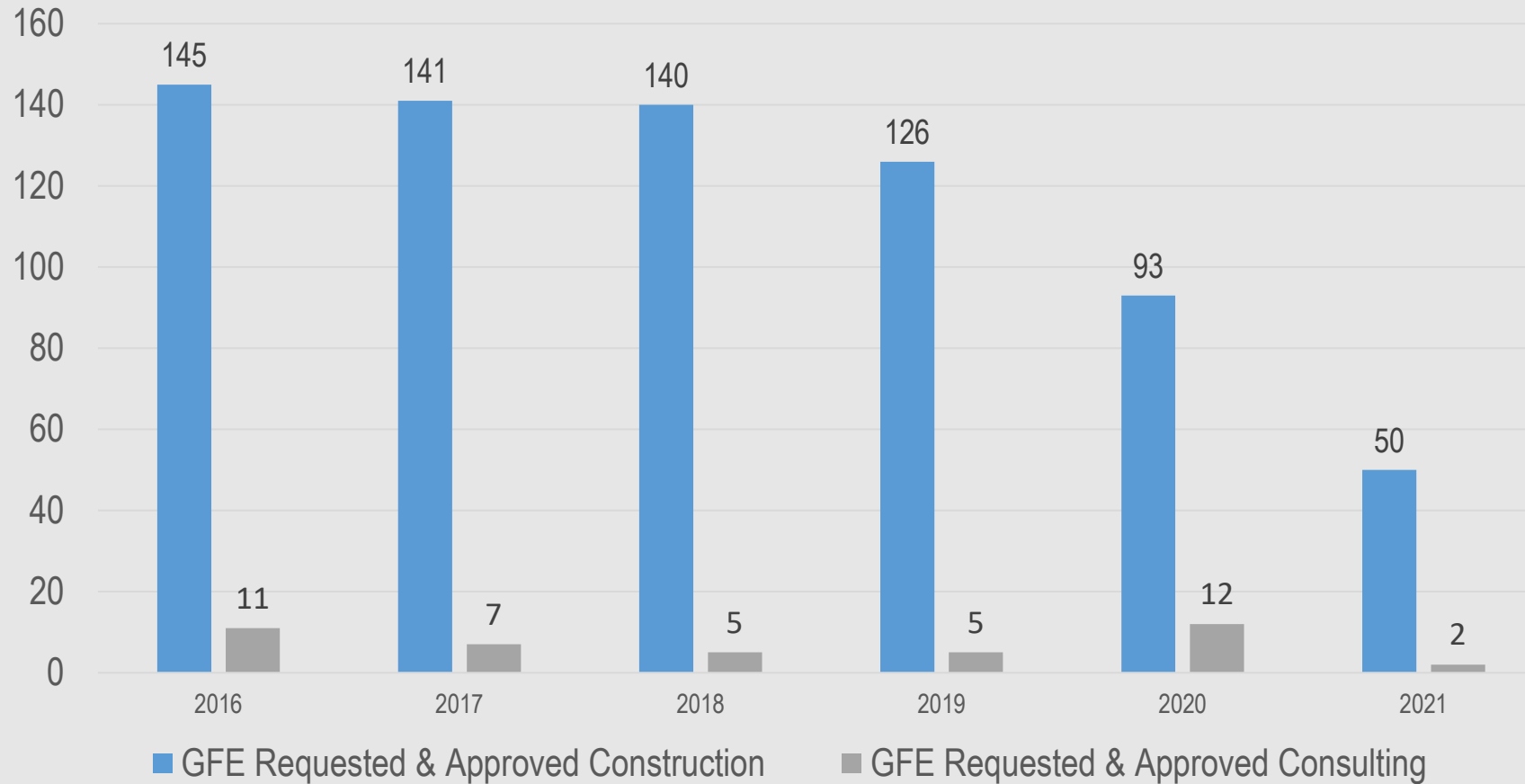
DBE Commitments FFY 2016 - 2021



DBE Overall Goal Achievement FFY 2016 - 2021



GFE Requests FFY 2016 - 2021



Strategies for Increasing DBE Participation

- Outreach to DBE firms
 - Phone calls to all DBEs with highway work types
 - Are they interested in WisDOT work?
 - Successes/Challenges working with WisDOT?
- Increased Support to DBE firms
 - Coaching
 - Mobilization Loan
 - Website updates with additional tools and resources
- Expansion and Recruitment
 - Identify areas for expansion for existing firms
 - Recruit new firms – focus on Northern Regions



Strategies for Increasing DBE Participation

- DBE Program Study – UWM – January 2022 – The 18-month study will focus on:
 - Identifying specific barriers Wisconsin DBEs face and methods to remove the barriers
 - Promoting the use of DBEs in WisDOT contracting
 - Recommending methods to develop successful DBE firms
 - Identifying flexibility and opportunities for DBEs
 - Examining the award process and promoting transparency
 - Surveying State DOTs to identify best practices to apply at WisDOT



Strategies for Diversifying Consultant Contracts

- Consultant Contracts – pilot with SE Region
 - Small Purchase Contracts
 - Invite 3 or more firms to respond
 - Invite all firms to sign up for notification of select SPCs
 - Create smaller packages for select design projects
 - Diversify selection panel
 - Recommend region select one new firm to work with each solicitation
 - Apply what we learned from this pilot to other regions



What can you do?

- Keep attending information sessions and conferences
- Provide input
- Visit DBE website frequently – www.wisconsindot.gov/dbecontracting
- Participate in the Mentor-Protégé program
- Primes talk to DBEs – DBEs talk to Primes
- Spread the word about the DBE program
- Let us know how we can improve



General Program Updates

- Neutral Participation Tracking- Trucking
- Offsite Hauling – CUF monitoring
- Commodity & Bulk Supply Purchases



General Program Updates

- Neutral Participation Tracking- Trucking
 - Only submit Attachment A for DBE trucks added after contract execution
 - Do not submit Attachment A for additional trucking commitment for DBE firms included with the bid
 - OBOEC will confirm trucking commitment and utilization through CRCS, the Trucking Schedule, and hiring agreements
 - Final Attachment A is not required for trucking but must be submitted if requested as part of CUF monitoring
 - <https://wisconsindot.gov/Documents/doing-bus/civil-rights/dbe/Neutral-Participation-Credit.pdf>



General Program Updates

- Offsite Hauling – CUF monitoring
 - Indicate Offsite Hauling on Attachment A
 - Discuss offsite hauling at weekly progress meetings-
 - PE conducts spot checks of pits/plants to verify DBE truck is hauling and/or verifying hauling log
 - Be prepared to submit haul tickets, plant/pit tickets, timecards, and other pertinent documentation
 - <https://wisconsindot.gov/Documents/formdocs/dt1506.pdf>



General Program Updates

■ Commodity & Bulk Supply Purchases

- When DBE suppliers are contracted for bulk supply or commodity purchases, the supply/commodity credit may be applied during the federal fiscal year (October- September) in which the purchase was made
- When the contractor intends to apply the credit to a particular project:
 - Submit a copy of the original invoice
 - Documentation of the calculations for supplies/commodities to be used on the project
 - Attachment A



Bid Letting Updates

- Beginning with the February letting, the following procedures will be in effect:
 - All bidders submit Commitment to Subcontract to DBE with bid Tuesday
 - Attachments A OR quotes from all DBEs included in the Commitment submitted with bid **OR**
 - **NEW** - Within one-hour following bid submittal by ALL prime contractors via eSubmit on Tuesday
 - Assigned DBE goal was not met- submit GFE documentation by 11:00:00 Wednesday via eSubmit
 - Attachments A not submitted Tuesday – submit by 11:00:00 Wednesday via eSubmit
- **NEW** - The DBE Office will no longer reach out to contractors during the letting to inform you of remaining documents to submit. Make sure you are clear on DBE documentation requirements.



Make your bid responsive

Please submit additional documents through eSubmit-[Follow these steps.](#)

Document	When needed to be responsive
DT1506 or E-1506	Tuesday 11:00 a.m. (BidX)
Attachments A or DBE quote(s) From all identified DBEs on the DT1506/E-1506	Tuesday 11:00 a.m. (BidX)
Beginning in February 2022 - Attachments A or quotes From all identified DBEs on the DT1506/E-1506	Tuesday 12:00 noon (eSubmit)
Attachments A (for unsigned Attachments A and/or DBE quotes submitted on Tuesday) Signed and dated by DBE and prime contractor	Wednesday 11:00 a.m. (eSubmit)
DT1202 and supplemental materials If DBE goal is not met	Wednesday 11:00 a.m. (eSubmit)

<https://wisconsindot.gov/Pages/doing-bus/civil-rights/dbe/bid-lettings-and-solicitations.aspx>



Sample Solicitation Email

ATTENTION DBEs

- [Prime Contractor] specializes in municipal projects in the XX Region(s)
- We have successfully competed *and* completed XX WisDOT projects over the past XX years
 - Consider [Prime Contractor] your partner on WisDOT Projects
- [Prime Contractor] is seeking *your* subcontractor quote for the XX/XX/2022 WisDOT bid letting on the below projects

Project	Proposal	County	Region
1234-56-00	2	Waushara	NC
1234-01-78	11	Adams	NC
1234-00-99	20	Marquette	NC
1234-00-98	33	Portage	NC

- Please review the attachments and respond with your intent to quote (or not) along with the work items you are interested in performing and respond via fax or email by date. The quote should note items that you are DBE certified to perform, tied items, and any special terms. Please include labor, equipment, material, and related bonding or insurance.
- If you have any questions regarding bonding, credit, insurance, equipment and/or materials/supplies, please feel free to call [Prime Contractor] and ask for _____.
(Include if your company is willing to answer these types of DBE questions)
- [Prime Contractor] will accept DBE quotes in areas we plan to self-perform.
- Plans and Specifications can be found: WisDOT HCCI Website: List webpage where plans are located
- If you do choose to quote, please make every effort to have your quote into our office by time and date.
Make sure the correct letting date, project number, unit price and extension are included in your quote.
- Should you have questions regarding the mentioned project, please call our office at (414) 555-5555 and we will direct you to the correct estimator/project manager. Our office hours are 8:00 a.m. until 5:00 p.m.

Thank you – we look forward to working with your company on this project!



DURING FFY2021, XZY CONSTRUCTION COMPANY:
 Awarded 48 DBE Subcontracts on 13 Federally Funded projects totaling - \$5.9M
 Awarded 24 DBE Subcontracts on 8 Non-Federally Funded projects totaling - \$2.1M
 Met or exceeded the DBE goal on 10 out of 13 projects
 3 GFE requests (1 SW & 2 NW) were approved

XYZ Construction Company – a Wisconsin company

Innovation, Dedication & Integrity
 1234 Construction Road, Anytown, WI 55555
 (414) 555-5511: Office
 (414) 555-5520: Fax

DBE Solicitation Newsletter – January 11, 2022 WisDOT Bid Letting

Attention all DBEs. XYZ Construction Company is actively seeking your quote for the January 11, 2022 Bid Letting. XYZ Construction Company is considering bidding on the projects listed on page 2 as a prime contractor. Please see page 2 for instructions and the sub-contractable opportunities for each proposal.

Does XYZ Construction Company accept quotes in areas we might self-perform? Yes, we do! We support this federal rule and (if needed) we consider areas we might self-perform an opportunity to provide in the field assistance and training if we award your quote.

Where can DBEs find the plans, specifications & addenda? Please visit XZY's plan room [LINK] or on WisDOT's Highway Construction Contract Information HCCI website: [Wisconsin Department of Transportation Highway Construction Contract Information \(wisconsinidot.gov\)](#). This same website can be checked for the contract status.

What should your quote include? All the costs required to complete the items you propose to perform including labor, equipment, material, and related bonding or insurance. The quote should also note items that you are DBE certified to perform, tied items, and any special terms. Please use page 2 as your cover sheet for your quote.

Do you have a question regarding bonding, credit, insurance, equipment or supplies/materials? We welcome all DBE questions! Please call XYZ Construction Company and ask to speak with Tom Qqrrs (tom.qqrrs@xyzcc.com) or Ellen Aabbcc (ellen.aabbcc@xyzcc.com). XZY Construction Company also recommends Frank Lmnnn at Anytown Insurance (414) 555-7788 as a trusted industry partner for insurance and bonding needs.

When are quotes due?

January 11, 2022 at 10:00 a.m. We accept quotes via SBN, email or fax. Please make every effort to have your quotes in by this time or earlier. Quality check your quote so it includes the correct letting date, project ID, proposal number, unit price and extension.

Who can DBEs contact for questions, information, clarification or for a quote evaluation? Project Manager - Ann Gghhii (414) 555-5512, (ann.gghhii@xyzcc.com) or (estimator@xyzcc.com). If you are quoting XZY Construction Company for the first time, we encourage you to come meet with us in person to discuss the project. Our office hours are 7:30 a.m. – 5:00 p.m. On bid day, we are in the office by 6:30 a.m.

Why partner with XZY Construction Company? DBE partnership is a core part of XYZ Construction Company's mission. Including DBEs at the beginning of each project is essential in the success of each project. We consider DBEs to be important industry partners who bring dedication and knowledge at various stages during construction. We are proud to be an industry leader with our DBE partnership. Your success as a DBE is our success.

"I have been a DBE subcontractor on 6 projects with XYZ Construction Company. XZY leads by example – their field crew is knowledgeable, and I have grown my business working with their company." Cameron Rrsstt – Owner, WVC Excavation

XYZ Construction Company
 Letting Date: January 11, 2022
 Project IDs: 1234-56-00 (Proposal #1) & 1233-44-00 (Proposal #6)

Please check all that apply:

- Yes, we will be quoting the projects & items listed below
- No, we are not interested in quoting on the letting or its items referenced below
- Please take our name off your monthly DBE contact list
- We have questions about quoting this letting. Please have someone contact me at this number:

XYZ CC - Contact: Ann Gghhii
 Phone: (414) 555-5512
 Fax: (414) 555-5520
 Email: ann.gghhii@xyzcc.com

DBE: _____
 Phone: _____
 Fax: _____
 Email: _____

Please circle the jobs and items you will be quoting below

Proposal County	1 Dane County	6 Crawford County
Clearing & Grubbing	X	X
Dump Truck Hauling	X	X
Curb & Gutter/Sidewalk, Etc	X	
Erosion Control Items	X	
Excavation	X	X
Pavement Marking	X	X
Traffic Control	X	X
Sawing	X	X
QMP, Base		X
Pipe Underdrain	X	
Landscape	X	X
Beam Guard	X	



Demonstrating Good Faith with Sound Reasoning

Appendix A Part 26 (E)(1)

Not rejecting DBEs as being unqualified **without sound reasons** based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal. **Another practice considered an insufficient good faith effort is the rejection of the DBE because its quotation for the work was not the lowest received.** However, nothing in this paragraph shall be construed to require the bidder or prime contractor to accept unreasonable quotes in order to satisfy contract goals.

- Avoid making rejection decisions based strictly on cost
- Use the quote analysis tool in the Intent to Award tab (DT1202 Excel Workbook) which provides the dollar and percentage difference between two quotes. For example: If you receive two quotes for sawing -- \$3,567.00 vs. \$2,989.00. \$3,567.00 is 19.34% higher than the low quote, however only by \$578.00. Consider the total impact of the increased cost within your total bid when making the final awarding decision.
- Consider printing out the sample Intent to Award/Sound Reasoning example that has been previously provided as a reminder and reference guide when making final awarding decisions.



March 3 and 4, 2022

ANNUAL DBE WORKSHOP & Networking Summit

2022

THE INGLESIDE HOTEL, PEWAUKEE, WI

<https://www.accelevents.com/e/widbesummit>

Full Conference - \$125

Early Bird - \$99 (Ends 1/31/22)

Virtual Workshops only - \$45 (March 3)

BUILD BACK STRONG

DAY 1 VIRTUAL SESSIONS

- Accessing Business Loans and Credit
- Autonomous Vehicles: Roadway Design Considerations, E-vehicles, Charging lanes
- Basic Plan Reading
- Business Capacity Building Technical Assistance
- Design Build: Alternative Contracting Method
- Ethics & Professional Practice
- Labor Challenges & Solutions
- Navigating DOT Highway Construction (HCCI) website
- Post Contract Award
- WisDOT Good Faith Effort Process

DAY 2 NETWORKING SESSIONS

- Innovation and Technology Breakfast
- Networking Sessions
- Awards Luncheon
- Opportunity Panel Presentations

INDUSTRY PARTNERS



COMMUNITY PARTNERS



WRTP | BIG STEP



Resources

- Contracting with DBEs
 - <https://wisconsindot.gov/dbecontracting>
- Interactive DBE Directory Map
 - <https://wisdot.maps.arcgis.com/apps/webappviewer/index.html?id=c7bfb3407c7d4e9dadbf0ccdf1d1cce4>



Contact

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 - (608) 267-2093 office
 - (608) 509-8212 cell
- Kathleen Panak, JD, GFE Analyst
 - kathleen.panak@dot.wi.gov
 - (262) 548-6459 office
 - (414) 750-7396 cell

