



Arizona Department of Transportation

Civil Rights Office Presents

“Working with ADOT”
October 19, 2011





“Working with ADOT”

- Background
- Final Session November 16, 2011
 - Glendale Civic Center
 - FHWA Arizona Division & Headquarters Personnel
 - ADOT representatives from throughout the agency
 - Contractors, Consultants, Primes, Subs, and Small & Disadvantaged Businesses Enterprises in attendance
 - Quarterly Recognition Honorees: Kuniklo Corporation, Parsons Brinkerhoff, and the Arizona Chapter of the Associated General Contractors



ADOT Civil Rights

- Program Overview
- Purpose / Mission of ADOT Civil Rights Office
- Program Areas to be Discussed:
 - Title VI
 - DBE Certification
 - SBE Program Update
 - Supportive Services
 - On-the-Job Training
 - DBE Contract Compliance
 - External EEO

ADOT Civil Rights Office – 1135 N. 22nd Avenue, Phoenix AZ 85009 – (602) 712-7761



ADOT Civil Rights

- What's our purpose?

To ensure **nondiscrimination** and **promote affirmative** action in all of ADOT's programs, services, and activities.

- Arizona and Anti-Affirmative Action

Compliance with Federal anti-discrimination and affirmative action laws is a condition of receipt of federal aid.

ADOT submits signed assurances each year affirming the agency's intent to comply with federal civil rights requirements.



ADOT Civil Rights

- Discrimination: refers to any act, whether *intentional* or *unintentional*, in any program or activity of a federal aid recipient, sub-recipient, or contractor that results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, national origin, gender, disability, or age.

- Ensuring Nondiscrimination

Reactive Measures: Title VI, Internal/External EEO, ADA, and DBE Complaint Investigation and Mitigation

Regulatory Measures: Mitigating Past Discrimination via internal Affirmative Action, On-the-Job Training, and DBE requirements

Proactive Measures: Identifying areas of risk for ADOT, its sub-recipients, contractors and consultants and implementing corrective action



Working with ADOT Civil Rights

We can help you ...

- Address complaints of discrimination
- With questions about Small and Disadvantaged Business Enterprise Certification
- With business technical assistance
- Understand contracting opportunities and working with the State
- Meet prime contractors, consultants, and agency staff
- With questions regarding Bid/Proposal submissions
- Understanding civil rights reporting requirements
- Finding resources; including subcontractors/consultants, training, and technical assistance



ADOT Title VI Program

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What is Title VI?

- Title VI is the Federal law that prohibits discrimination on the basis of race, color, or national origin in Federally assisted programs & activities

“No person in the United States shall on the ground of race, color, or national origin be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance.” (42 USC 200d)



ADOT's Title VI Program...

- Assures that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under any ADOT sponsored program or activity.
- There is no distinction between funding sources.



Enforcement conducted through:

- Compliance reviews
- Training
- Distributing policy information / updates
- Investigating complaints



Who must comply?

Recipients of Federal Aid:

Public agencies (state and local)

Private industry (if working on a contract with federal aid)

Schools



ADOT Civil Rights Investigates Complaints of Discrimination which must be:

- Filed in writing
- Signed by complainant(s)
- Including name, address, and phone number
- Filed within 180 calendar days of the alleged discrimination ([49 CFR 21.11\(b\)](#))



Disadvantaged Business Enterprise Certification

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Arizona Unified Certification Program (AZUCP)

The Arizona UCP is made up of ADOT and the cities of Tucson and Phoenix. DBE certification issued by any one of these organizations is recognized statewide on all federal aid contracts regardless of funding source (i.e. FHWA, FTA, or FAA)

The online directory is located at www.azdbe.org.

The online directory is updated with Phoenix and Tucson certified firms monthly. ADOT certified firms are added “real time.”



Overview of DBE Certification Criteria

Six requirements that must be proven by a DBE applicant :

1. Social and Economic Disadvantage
2. Personal Net Worth
3. Business Size Standard
4. Ownership
5. Independence
6. Management and Control



Social and Economic Disadvantage

1. A disadvantaged owner must be a U.S. Citizen (or resident alien) and meet the federal definition of socially and economically disadvantaged as defined in 49 CFR Part 26.67.
2. Presumptive groups include
 - a) Women
 - b) Black Americans
 - c) Hispanic Americans
 - d) Native Americans
 - e) Asian-Pacific Americans
 - f) Subcontinent Asian-Americans, or
 - g) Other minorities found to be disadvantaged by the regulations, or
 - h) Any individual found to be socially and economically disadvantaged on a case-by-case basis



Economic Disadvantage: Personal Net Worth

1. Personal net worth (PNW) must be less than \$1.32 million
2. PNW excludes:
 - a) An individual's ownership interest in the applicant firm
 - b) His or her primary residence



Economic Disadvantage: Business Size Standard

1. A firm (**including affiliates**) must be a small business as defined by the Small Business Administration (SBA).
2. It must not have annual gross receipts over \$22.41 million in the previous three fiscal years.
3. Depending on the type of work the business performs, other size standards may apply.



Independence

1. The business must not be affiliated to another firm in such a way as to compromise its independence and control.
2. This includes (but is not limited to)
 - a) Personnel
 - b) Facilities
 - c) Equipment
 - d) Financial and/or bonding support
 - e) Other resources.



Management and Control

1. The socially and economically DBE owner (s) must possess the power to direct or cause the direction of
 - a) Policies of the firm
 - b) Day-to-day decisions/operations
 - c) Make long-term decisions on matters of management, policy, and operations
 - d) Control both the operational and technical aspects of the business



Ownership

1. Must be a for-profit small business concern
2. Socially and economically disadvantaged individual(s) owns at least 51% interest or voting interest/stock
3. Additional areas of review include:
 - a) How ownership was acquired
 - b) Proof of contributions equal to ownership interest
 - c) Salary of alleged owner
 - d) Onsite – demonstration of authority (office, etc.)



Small Business Enterprise Participation

- New requirement issued by USDOT in January 2011
- State Transportation Agencies have until February 2012 to propose plans
 - Plans are to be submitted as modifications to DBE Program Plans
 - SBE “Element” is emphasized not separate program
- Intent is to foster greater race-neutral DBE participation
- ADOT has been working on its SBE Program since April 2011
- A framework will be proposed internally by year-end
- Emerging framework will mirror DBE program including



On-the-Job (OJT) Training Program

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OJT Regulation: 23 CFR 230

- Requires training to provide access to jobs for:
 - Women
 - Minorities
 - Disadvantaged Individuals
- Requires that contractors use approved training programs that:
 - Include EEO assurances
 - Incorporate related instruction
 - Follow “industry standards” for craft



How Are Training Hours Assigned?

- ADOT uses two major criteria; size and duration of projects
 - Projects over 120 days
 - Projects over \$2 million
- One trainee and 500 hours are assigned for jobs between \$2 million and \$5 million
- For each additional \$5 million, one trainee and another 500 hours are added.



What are the Basics of an OJT Program?

- No program will be approved that is shorter than 1 year. (2000 hours of OJT)
- Length of training should follow “industry standards.”
- Must include related instruction pertinent to the specific craft trainee works in.
- Must include specific information as to beginning pay, periodic raises, etc.
- Must include an EEO program.



FHWA Approved Training

- Training programs must be in place before bidding, as approval can take several months.
- If the program has not been approved before work commences, work cannot begin.
- Training requirements can be met by the prime contractor or subcontractor(s)
- ADOT conducts pre-apprenticeship training to aid contractors in identifying trainees
- Contact ADOT Civil Rights for Additional Information



DBE Supportive Services Program

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DBE Supportive Services Objectives

- To increase small and disadvantaged business participation in USDOT funded transportation projects.
- To contribute to the growth and eventually self-sufficiency of minority and women-owned businesses. (To graduate the program)
- To aid small and disadvantaged businesses so that they can succeed even beyond the DBE program.



Who Benefits from DBE Supportive Services?

- Disadvantaged Business Enterprise (DBE) Firms
- Small Business Enterprise (SBE) Firms
- Prime Contractors and Consultants
- Local Public Agencies / ADOT Sub-recipients



DBE Supportive Services

Program Framework:

- Education
- Access
- Visibility





We provide “Education” through...

- The ADOT Academy for the Development of Small & Disadvantaged Businesses
- “Working with ADOT” Training
- Workshops
- Technical Training
- One-on-one Consultant-Based Assistance
- Professional and Construction Services DBE Task Forces
- Training for Prime Contractors, Consultants, and Local Public Agencies

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We provide “Access” to...

- Prime and Sub-Contractors through
 - Networking Activities: Conferences, Expos, Structured Networking
 - Advertisement of Quote Solicitations through E-mail Distribution System
 - Unified Certification Program (UCP) <http://www.azdot.gov/azdbe>
- Project Managers, Engineers, ADOT and Local Leadership through
 - DBE Conferences, SDBE Expos, Open Houses and Training Sessions
- Project Plans, regulation changes, and other state-wide service providers
- Business Technical Assistance

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“Visibility” is provided by...

- Civil Rights Quarterly Recognition Program
 - DBE Trailblazer
 - ADOT Construction Champion
 - ADOT Consultant Champion
- Promotion via the DBE Supportive Services Blog and ADOT Website
 - www.adotdbe.com and www.azdot.gov/azdbe
- Recognition and Promotion at Expos and Regional Conferences



DBE Supportive Services for SDBEs

- Business Technical Assistance
 - Business Plan Development
 - Marketing & Communication Tool Development
 - Branding/Logo /Collateral
 - Education, Access, and Visibility



DBE Supportive Services for Prime Contractors and Consultants

- Identify DBEs prior to Contract Award
- Provide Quote Solicitation Assistance for DBE Participation
- Facilitate “Open House” Networking Events
- Assist in hosting Pre-qualification Meetings
- Provide Structured Networking Opportunities through DBE Events
- Training Opportunities regarding new requirements
- Visibility through Quarterly Recognition Program

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DBE Supportive Services Program for Local Public Agencies and ADOT Sub-recipients

- Contact DBEs in region
- Partner with Local Agencies for DBE outreach efforts
- Assist with DBE Project-Specific networking events
- Provide DBE compliance training



DBE Contractor Compliance

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Contractor Compliance

Three elements of contract compliance:

- DBE Program Compliance
- External EEO Compliance (Construction Only)
- OJT Compliance (Construction Only)



Five Areas of DBE Program Compliance

- Pre-Award
- Award
- Post-Award
- DBE Data Collection & Payment Reporting
- Project Close Out



Pre Award - Goal Setting

- All federal aid contracts must be assessed for DBE availability
- Race Conscious – DBE Goal is set
- Race Neutral - DBE participation occurs through encouragement, etc. and without setting a minimum participation %
- ADOT has an online goal submission process (for use by ADOT technical staff and sub-recipients only)



- System Access Login
- Password Reminder
- Account Lookup
- Help/First Time Visitors
- Contact / Support Information
- UCP DBE Directory Search
- Apply for DBE Certification
- Civil Rights Vendor Registration
- Civil Rights Office Home Page
- Field Reports Section Home Page
- Construction Group Home Page
- Contracts and Specifications Home Page

DBE & Labor Compliance

DBE Goal Setting

These Goal Setting Worksheets are updated regularly based upon feedback from ADOT staff and subrecipients. Before starting a new request, please download the latest version below.

1. Download the version relevant to your project.
2. Fill in the cover page with project summary information (all fields are required).
3. Complete the applicable work category worksheet on the second tab.
4. Email the completed file to adotgoals@dbesystem.com. You will receive a receipt confirmation within one business day.
5. The Civil Rights Office will provide the project goal within 10 business days once the worksheet has been verified as complete.

Last Update: **7/11/2011**

Download **Construction** worksheet
(version 020110711)

Download **Professional Services** worksheet
(version 0620110711)

Any incomplete or out-of-date forms will be returned to the sender for further input and may delay the calculation of the goal for your project.

Note: it is not necessary to submit DBE goal requests for projects which are NOT funded via the U.S. Department of Transportation and/or one of its administrations (FHWA, FTA, FAA, etc.). Please contact ADOT Civil Rights at (602) 712-7761 with questions regarding the applicability of DBE requirements.

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Construction Goal Setting Worksheet



Instructions:

Fill in this worksheet with project summary information. All fields marked by * are required. Then complete the work category worksheet on the other tab.

Email the completed file to adotgoals@dbesystem.com. You will receive a receipt confirmation within 24 hours. Any incomplete forms will be returned to the sender for further input and may delay the calculation of the goal for your project.

ADOT Staff are to use the ADOT Categories tab for goal setting requests per internal policy. Subrecipients can use either tab, but the Additional Categories tab is recommended.

This Goal Setting Worksheet is updated regularly based upon feedback from ADOT staff and subrecipients. Before starting a new request, please download the latest version from <http://dot.dbesystem.com/>

Version C20110711

Tracs Number*	
Project/Contract Number*	
Project Name/Location*	
Federal Aid Number	
Total Project Estimate*	(\$0 remaining to be assigned to work categories)
Funding Source*	(ENTER combination of Federal, State, Local, and/or Other)
Federal Funding Percentage*	(ENTER percent of Federal funding for project)
Federal Funding Type*	(ENTER FHWA, FTA, FAA, or Not Applicable)
Project Region*	(ENTER Statewide, Maricopa, or Non-Maricopa)
Submission Date to Civil Rights*	
Bid Advertisement Date*	
Estimated Bid Date*	
Goal Requestor*	
Agency*	
ADOT Section/Group	
Email*	
Phone*	
Fax*	
<u>On-the-Job Training (OJT)</u>	
# of Estimated Working Days*	
OJT Exemption requested*	(Enter YES or NO, if YES include supporting documentation)



Additional Work Categories

Instructions:
 Enter aggregate value of bid items by work category. Blank categories will be assumed to be \$0. Include any additional notes relevant to the right. If a needed work category is not listed, contact adotgoods@ibersysitem.com BEFORE submitting the good request for guidance.

Additional Work Categories >>> \$0

Work Category	Value	Notes
Heavy Construction		
Abutments	\$0	
Asphalt Surface Treatments	\$0	
Base & Reinforcement	\$0	
Bridge Decking	\$0	
Concrete - Structural (bridges, embankments, etc.)	\$0	
Culverts	\$0	
Curbs & Gutters	\$0	
Elevated Highway	\$0	
Overpasses (general)	\$0	
Paving - Asphalt - Supply	\$0	
Paving - Asphalt - Trucking	\$0	
Paving - Asphalt - Application	\$0	
Paving - Concrete - Supply	\$0	
Paving - Concrete - Trucking	\$0	
Paving - Concrete - Application	\$0	
Pipe - Roadway	\$0	
Pipe - Sanitary	\$0	
Precast Concrete	\$0	
Rebar	\$0	
Seal Coating	\$0	
Shotcrete / Channel	\$0	
Tack, Fog Coat, Blotter - Supply	\$0	
Tack, Fog Coat, Blotter - Trucking	\$0	
Tack, Fog Coat, Blotter - Application	\$0	
Taming	\$0	
Trestles/Trusses	\$0	
Underpasses (general)	\$0	
Finishing		
Concrete Barriers	\$0	

- Dust Control
- Erosion Control
- Fencing
- Grouting (highway)
- Guardrail
- Landscape
- Lighting System Installation
- Painting
- Riprap, Gravel, Sand, Should
- Signs
- Striping, Line Painting, Mark

\$0	
\$0	
\$0	
\$0	
\$0	

Demolition & Site Preparation

- Blasting
- Boring
- Clearing & Grubbing
- Concrete Cutting
- Crane
- Demolition/Removal
- Drill & Excavate
- Excavating - Grading
- Grading
- Milling
- Pumping - Concrete
- Pumping - Septic
- Road Repair, Pothole Filling,
- Scaffolding
- Slab Jacking
- Soil Stabilization
- Sweeping
- Tree Removal
- Utilities - Water & Sewer
- Utilities - Communication &
- Wrecking

- Asbestos Abatement
- Building - Commercial
- Carpentry - Framing
- Carpentry (except framing)
- Drywall
- Electrical
- HVAC
- Masonry
- Pest Control
- Plastering
- Plumbing
- Roofing
- Septic Tanks & Systems
- Welding

\$0	
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\$0	
\$0	

Miscellaneous

- Mobilization/Demobilization
- Miscellaneous Work (Resident Engineer User Only)
- Contingency
- Incentives
- Fire Protection - Commercial

\$0	
\$0	
\$0	
\$0	
\$0	

Uncategorized - Add categories not found above (NOT TO BE USED FOR ADOT PROJECTS)

Services

- Construction Engineering
- Construction Management
- Consultant Services (various)
- Flagging, Traffic Control
- Law Enforcement
- Public Relations
- Quality Control
- Surveying
- Trucking

\$0	
\$0	
\$0	
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\$0	
\$0	

Trade Services



Pre Award – Meeting the DBE Goal

- Solicit DBE Participation
- Project Specific Networking Sessions
- Providing adequate information about the plans and specs to the DBEs
- Breaking out specific work items for DBE firms

*ADOT DBE Supportive Services can provide assistance with these activities



Award Process

- ADOT Civil Rights will review the bids/proposals to ensure DBE compliance by reviewing:
 - Bidders List
 - DBE Intended Participation Affidavit – Summary (Prime)
 - DBE Intended Participation Affidavit – Individual (DBE)
 - DBE Confirmation of Participation
 - Forms are available online @ http://www.azdot.gov/inside_adot/CRO/DBEP.asp
- Documents are due no later than 4pm on the fifth working day after bids are opened



Award Process

- Bid Verification
 - ADOT Civil Rights will review all required forms and make sure that only certified firms are being used and that the goal is being met
 - Good Faith Effort
 - Contractor or consultant has met goal; or
 - If goal was not met a documented Good Faith Effort is required
 - Failure to submit these required documents will result in the rejection of the apparent low bidder.



Post Award

- POST-AWARD: Prior to the start of work but after the contract has been executed
 - The Project Manager will enter the Contract into the B2G System adot.dbesystem.com
 - Upload executed contracts
 - Project Kick-Off/Pre-Construction meeting
 - ADOT will reiterate DBE compliance & reporting requirements
 - Answer questions regarding processes



Contract Administration

- Monitoring of the project activity from start to finish
 - ADOT Field Reports Section - Payroll Records
 - Monthly DBE Payment Reporting – B2G System
 - Agency reports Prime payments
 - Primes verify payment received
 - Primes report Sub payments
 - Subs verify payment received
 - Lower tier and first tier subs report as well
- Request for DBE Substitutions/Scope Reductions
 - Submit request in writing and must be approved by Civil Rights before being executed



Contract Close Out

- Contract Close Out: Steps required to ensure that all federal requirements were met and that all DBEs were paid in full
- Final Payment will not be released to prime without the following:
 - Release of retention for all DBEs
 - Certificate of Payment for each DBE (verifies DBEs were paid in full)



External EEO / OJT Compliance

- External EEO is an affirmative action program that seeks to ensure that the composition of the construction workforce (on federal aid projects) is representative of the community
- Compliance is ensured via workforce related reporting and onsite compliance reviews conducted by Civil Rights
- Both EEO & OJT Reporting are done online through LCP Tracker
- Compliance is monitored in coordination between ADOT Civil Rights and Field Reports Offices



Next Session

Working with ADOT Open House & SDBE Expo

November 16, 2011

Glendale Civic Center

Register by Oct 28th and participate to in
SDBE Expo Bingo!