



Civil Rights Requirements UCI Annual Meeting

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Pre-Advertisement

Task/Submittal/File Documentation

- **Project Estimate / Bid Proposal Document**
 - **Submit Scope of Work**
 - **Submit Estimate**
 - **Bid Proposal Document Language**
- **DBE Goal**
 - **20 Business Days to complete**
 - **Release estimate in a timely manner**
 - **Bid proposal does not need to accompany estimate**
 - **No goals set on projects less than \$100K.**

DBE Goal Setting

- **Detail Estimate**
 - Location of project by coordinates
 - Estimated cost of each item to be constructed
 - Total dollar value of the project
- **Verify the location of the project**
- **Analyze the estimate for items potentially constructible by DBEs**
- **DBE \neq SWaM**
- **DBE (Federal Designation)**
- **SWaM (State Designation)**

DBE Goal Setting

Guidelines for Determining DBE Goals on Projects

- Calculate the total value (sum) of the selected items determined constructible by DBEs
- Calculate the total percentage of the gross (unadjusted) DBE goal for the project

Example:
$$\frac{\text{Total Dollar Value of Selected Items}}{\text{Total Value of the Contract}} = \frac{\text{Unadjusted Gross DBE Goal}}{\text{DBE Goal}}$$

DBE Goal Setting

Guidelines for Determining DBE Goals on Projects

- **Analyze the results of this calculation considering:**
 - On-going projects approaching completion, newly awarded projects, currently advertised projects, and projects proposed for advertisement
 - Historical performance of prime contractors on similar projects
 - Type of work activities considered
 - Cost (dollar value) of the work activities
 - Availability of DBEs who are ready, willing, and able to bid on the project under consideration for goals
 - Verify the names and locations of DBEs who are currently certified and are ready, willing, and are able to perform work on the contract
- **Adjust the goals in accordance with the results of the aforementioned analysis**

Pre-Award

- **After bid opening, locality submits a letter of recommendation of award to the VDOT Project Manager**
- **Project Manager will provide the District Civil Rights Office with DBE goal attainment documentation**
- **District Civil Rights Office will provide response to PM and locality regarding concurrence of recommendation**

Pre-Award

- **The failure of a bidder to submit the required documentation within the timeframes specified within the Special Provision for 107.15 – Use of Disadvantaged Business Enterprises may be cause for rejection of that bidder’s bid.**
- **If the lowest bidder is rejected for failure to submit required documentation, the Locality may either award the work to the next lowest bidder, or re-advertise and construct the work under contract or otherwise as determined by the Commonwealth Transportation Board.**
- **In order to award a contract to a bidder that has failed to meet DBE contract goal requirements, the Locality will determine if the bidder’s efforts were adequate good faith efforts.**

Good Faith Efforts Guidelines

Include the following completed forms:

- ☑ Form C-111 – Minimum DBE Requirements
 - ☑ Form C-112 – Certification of Binding Agreement
 - ☑ Form C – 48 - Subcontractor/Supplier Solicitation and Utilization Form
 - ☑ Form C-49 – Summary of GFE Documentation
 - ☑ Copy of the Request for Bid Solicitation to DBEs
- ☑ **Solicit through reasonable and available means**, such as but not limited to, attendance at pre-bid meetings, advertising, and written notices to certified DBEs who have the capability to perform the work of the contract. Examples include: advertising in at least one daily newspaper of general circulation; phone contact with a completely documented telephone log, including the date and time called, contact person, or voice mail status; and internet contacts with supporting documentation, including dates advertised.

Good Faith Efforts Guidelines

- Solicit DBEs no less than five (5) business days before the bids are due so that the solicited DBEs have enough time to reasonably respond to the solicitation.

- Follow up initial solicitations as evidenced by documenting such efforts on Department standard good faith documentation form, C-49.

- Select portions of the work to be performed by certified DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the Contractor might otherwise prefer to perform these work items completely or with its own forces.

Good Faith Efforts Guidelines

- ☑ Provide interested certified DBES with adequate information about the plans, specifications, and requirements of the contract in a timely manner, which will assist the DBEs in responding to a solicitation.
- ☑ Provide evidence of names, addresses, and telephone numbers of DBEs that were considered for the solicitation; dates DBEs were contacted, a description of the information provided regarding the plans, specifications, and requirements of the contract for the work selected for subcontracting, and, if insufficient DBE participation seems likely, evidence as to why additional agreements could not be reached for DBEs to perform the work.

Good Faith Efforts

- ☑ For DBE bids declared non-competitive, include copies of DBE and non-DBE bid quotes. DBE quotes may be rejected as non-competitive if the DBE sub's quote is more than 10% higher than the non-DBE's quote, as verified by supporting documentation. The prime must contract with the non-DBE sub when declaring a DBE firm non-competitive.

- ☑ Offered assistance to DBEs in obtaining bonding, lines of credit, or insurance.

- ☑ Offered assistance to DBEs with information about securing equipment, supplies, materials, or related assistance/services.

Good Faith Efforts

- ☑ Provided DBEs with adequate information to provide a quote.

- ☑ Effectively utilized the services of appropriate personnel from VDOT, the Virginia Department of Minority Business Enterprise (VDMBE), the Metropolitan Washington Airports Authority (MWAA), and other organizations in the recruitment and utilization of qualified DBEs.

Post-Award

Pre-Construction Meeting

- **Invite a representative from the Civil Rights local District office to meeting.**
- **Civil Rights Division representative will provide contractor with a checklist of items**
- **Civil Rights Division will provide training requested by locality for their staff to ensure compliance with regulations**

During Construction

Monitor and Track Documentation

- **Locality – Track all documentation for DBE, EEO and Labor Compliance**
- **Civil Rights Division – Monitors compliance with the EEO Program and DBE Program requirements**

Labor Compliance

Review Submittals - Locality

- **Review contractors' (and subcontractors') certified payroll**
- **Perform Davis-Bacon interviews with employees**
- **Compare information given by employees with the information listed on the certified payroll**

The City of Virginia Beach Implementation Plan

- **Plans and specifications reviewed at 80 – 85% completion for DBE goal consideration and identification of possible subcontracting opportunities**
- **Proper documentation will be forwarded to Project Managers indicating the established DBE goal and outreach listing**
- **Presentation of changes and new requirements during the City's Pre-bid meetings**
- **Good Faith Efforts evaluated in accordance with current VDOT standards**
- **Monthly monitoring to ensure engagement and prompt payment of listed DBE subcontractors**

WRAP UP

