

**Transportation Commission of Colorado
Disadvantaged Business Enterprises (DBE) Committee Agenda
Thursday, June 16, 2016
4201 East Arkansas Avenue; Auditorium
Denver, Colorado**

**HEATHER BARRY, Chairwoman
District 4**

**KATHLEEN GILLILAND
District 5**

**Kathy Hall
District 7**

**BILL THIEBAUT
District 10**

**STEVEN HOFMEISTER
District 11**

**HERMAN STOCKINGER
Policy and Government Relations Director/Secretary**

The Chairwoman may change the item sequence or timing

- 1. Call to order**
- 2. Approval of Minutes from February 17, 2016 and November 18, 2015**
- 3. Upcoming Committee Name Change – “Small Business and Diversity (SBD) Committee” (6 month timeline)**
- 4. DBE Semi-Annual Report**
- 5. FTA Overall DBE Goal Setting Update**
- 6. Recap from Small Business Meet & Greet with Commission on 4/20**
- 7. OJT Goal Status**
- 8. Public Input/Comments**
- 9. Adjourn**

**Transportation Commission of Colorado
DBE Committee Meeting Minutes
November 18, 2015**

- The meeting was called to order at 4pm.
- The following were in attendance:

Commissioner Barry	Commissioner Hofmeister
Commissioner Gilliland	Commissioner Thiebaut
Commissioner Hall	Shailen Bhatt
Herman Stockinger	Josh Laipply
Greg Diehl	Katherine Williams
Megan Coontz McAllister	Jun Arcilla
Cathy Kramer	Darrell Wells

- Approval of Minutes: Commissioner Hofmeister moves to correct the spelling of his name in the meeting minutes. The committee unanimously approved the minutes with the corrected spelling.
- CRBRC Center Update:
 - CDOT's Civil Rights & Business Resource Center (CRBRC) has been realigned to report directly to CDOT's Chief Engineer.
 - CRBRC has been partnering with stakeholders to update its ADA transition Plan
 - More partnership events with Unified Certification Program (UCP) partners, City and County of Denver and RTD. This morning RTD, the City and County of Denver, and CRBRC collaborated on a certification event for DBEs.
 - Question(s): Do subcontractors or prime contractors need to obtain DBE certification?
 - Answer: Both, it does not matter if you are a prime or sub. The DBE program is a federal program for socially and economically disadvantaged firms. The criteria for certification is defined by federal law.
- DBE Participation Report: The year-end DBE report is finished. CDOT exceeded its DBE goal of 10.25%. CDOT had 10.4% DBE participation for the Federal fiscal year. This is the sixth year in row CDOT has met or exceeded the DBE goal. A more aggressive 12.15% has been set for the next fiscal year. CRBRC is re-focusing efforts for small businesses through supportive services, restricted projects, and in preparing small businesses for the I-70 East project. The I-70 East project currently has two project DBE goals: 11.6% for Design and 12.5% for Construction. The project goals, including goal methodology, are currently open for comment.
- Workforce Development:

US DOT opened a pilot program for a local hiring preference. CDOT applied, and was approved, for the pilot program for the I-70 East project. An RFP has been developed for a needs assessment to analyze the availability of labor, technical assistance needs, and job readiness in the community. The study will focus on the Environmental Justice area as a targeted primary geographic location as well as a larger secondary area that includes adjacent communities.
- Questions
 - Question: Isn't the new DBE goal too aggressive? We aren't ready for the I-70 East project yet, so shouldn't we wait another two years to establish a goal this aggressive?
 - Answer: The I-70 East project goals were established by the CRBRC conducting a relative availability analysis based upon project estimates provided by an engineering team. The goals are currently open for public comment. The overall CDOT DBE goal does not include I-70 East project dollars. We establish our overall DBE goal through a mathematical process established by regulation. The process includes weighted census numbers with the number of DBE certified firms and a list of other factors that can bring the number up or down. The overall DBE goal doesn't apply individually to each region. We expect higher participation in the metro area and we expect less participation in rural areas.
 - Question: Can you speak to the cost associated with trying to meet project DBE goals. Sometimes it is upwards of 20-30% and it is getting ridiculous.

- Answer: In that case we have a “Good Faith Efforts” process, where a firm that is unable to meet a DBE goal can demonstrate Good Faith Efforts to meet the goal. We are making the goal setting process more transparent so that firms know how to solicit DBE firms and where to go when there is a problem. This ensures that we are all on the same page when we conduct a Good Faith Efforts review.
- Small Business Outreach & Statewide Collaboration: CRBRC has hosted a lot of events this month, including a reverse trade fair and a webinar for the 1-70 East project. The reverse trade fair gave small businesses space to highlight their work to primes. There were over 300 in attendance and we received positive feedback. The webinar gave primes and subs a forum to give input on the goal setting process and discuss DBE barriers to success on large projects. Greg met with Commissioner Barry and she has expressed a desire for CRBRC to work with RTDs to do a regional-level spotlight for local projects in the regions; CRBRC is currently looking into doing this.
- Suggestion: Commissioner Gilliland would like to see a small business roundtable event (perhaps a Wednesday morning event so that committee members can attend the meeting).
- Adjournment

**Transportation Commission of Colorado
DBE Committee Meeting Minutes
February 17, 2016**

- **Call to Order:** The meeting was called to order at 4:30pm.
- **The following were in attendance:**
 - Kathy Connell
 - Bill Thiebaut
 - Maria Sobota
 - Herman Stockinger
 - Kathy Gilliland
 - Nolan Schriener
 - Johnny Olson
 - Kerrie Neet
 - Josh Laipply
 - Anna Mariotti
 - Greg Diehl
 - Megan Coontz McAllister
 - Katherine Williams
 - Richard Pagan
- **Approval of Minutes:**

Minutes were not approved because some DBE committee members were not in attendance. Minutes will be approved at the next DBE Committee Meeting.
- **DBE Participation Report:** The DBE participation is at 12.2%. This is on target to meet our 12.15% goal by the end of December.
- **DBE Supportive Services Program Update:** The Transportation Commission packet included CDOT's most recent DBE Supportive Services Quarterly Report for FHWA. CDOT's DBE supportive services program, called Connect2DOT, receives grant funding from FHWA. As grant recipients, CDOT must submit a quarterly report to FHWA.

Last quarter, Connect2DOT provided 207 consulting sessions and helped 96 different firms. CDOT's DBE Supportive Services Program also hosted a variety of events. CDOT launched its first Professional Services Small Business Collaborative Forum with over 80 in attendance and hosted several I-70 East events. Connect2DOT has been focusing on outreach in rural areas and regions with low participation, such as Region 4.

Next quarter, the DBE Supportive Services Program will host a meet-and-greet event for Transportation Commissioners and small businesses. The meet-and-greet will be held on April 20th from 4-5pm. Connect2DOT will also host the Construction Small Business Collaborative Forum in March.

Questions/Comments:

Comment: *Bill Thiebaut mentioned that he is a member of the DBE Committee and would like to be added to the member list.*

Question: *Explain the funding allocation in the FHWA report budget and why the "in-kind funding and state funding" column is higher than funding allocated by the Transportation Commission.*

Answer: *Because this report was created for FHWA, the budget merges in-kind funding from the SBDC centers (such as use of their space for consultations) with funding provided by the Transportation Commission. This is why the number seems high.*

Question: *Is there information available to commissioners about how to do business with CDOT? For example, something that could be forwarded to city leaders in communities.*

Answer: We currently send out a monthly newsletter with all upcoming events, projects, and trainings. CRBRC would be happy to add all commissioners to the newsletter mailing. Additionally, Connect2DOT provides a course on "How to do Business with CDOT." More information about this and other trainings can be found at Connect2DOT.org. We would also be happy to send out a regular update to the DBE Commissioners about upcoming events and trainings.

Question: How is CRBRC able to identify regions with low participation (for example, you mentioned Region 4 has low participation previously).

Answer: During the I-70 East goal setting process we conducted an analysis statewide, in the metro-area, and 2-hours outside of the metro-area. We found a great disparity of relative availability if we kept Fort Collins in the analysis. We found that the census indicates a body of firms available that are not in our directory. Because of this, this area has a potential for growth.

Question: At the last DBE Committee Meeting, it was suggested that we create a roundtable to better learn about the obstacles related to doing business with CDOT and how we can work on process to make it easier. What progress has been made, if at all, in that direction?

Answer: CRBRC recently launched the Small Business Collaborative Forums. The Small Business Collaborative Forums are tiered forums with separate meetings focusing on construction and professional services. We have dedicated meetings focusing on construction and professional services because each has different process and barriers. We work with organizations and other stakeholders to make sure the meetings focus on meaningful topics and address themes at the policy level. They are designed to provide a space for robust discussion. The forums have dedicated webpages where all meeting information is accessible and the pages even have a mechanism for submitting comments and suggestions for meeting topics. We simultaneously cast our forum meetings statewide through a webinar so that anyone in the state may participate. We have also talked with CCA about roundtables and a potential of partnership, but we haven't decided what that will look like.

- **Workforce Development Update:** We would like to broaden the name of the DBE Committee and give updates about our workforce program. Workforce is an important component of the I-70 project and has a supportive services program as well.

On the Job Training (OJT) goals are intended to enhance skills of minorities and females. Contractors give training plans and supportive services plans to meet OJT goals. Currently, our OJT supportive services program is administered through a contract with Aims Community College in Greely. The OJT supportive services program helps individuals with everything from apprenticeship training, to finding child care services, to transportation assistance to help them get into the industry. Because the contract with Aims is for a long duration, FHWA has some concerns. FHWA would like to see a competitive process, which they define as being an annual or bi-annual contract period. Additionally, CRBRC is concerned with allocating all funding to Greely, and is currently looking for a statewide approach. Civil Rights has a regional training for staff next week to look at the needs of different regions, which will help us determine an effective statewide approach.

Questions/Comments:

Question: Will you be using community colleges for the program?

Answer: We have worked with community colleges to see what programs already exist and to see what makes sense. The RFP will be released in March.

Comment: There really should be a localized reach and community colleges could help with that.

- **ADA Transition Plan Update:** We are finalizing our internal strategy with RTDs. We are working on a more aggressive strategy. This is a priority and something that both the federal government and other agencies are focusing on. There will be funding decisions that will need to be made and we are coming up with a strategy for that.
- **Public Comments:**

Richard Pagan: There has been a lot of progress in construction but the A&E arena is very difficult still. The I-70 East Reverse Trade Fair was effective, but we need stuff like that in the regions. I have a concern about 0% goals on projects. Connect2DOT is fantastic. Certification is great. But what we really need are opportunities. When there is a goal on a

project, it is an opportunity to prove yourself. It is very difficult to break into this kind of work and goals provide that opportunity.

The MPA, the indirect rate, and the audit process make it difficult to work with CDOT. The MPA has resulted in CDOT moving away from fair and reasonable pricing. The MPA is a huge obstacle that did not exist 8 years ago. I work with the federal government and they don't have this barrier. Small businesses can't hire fancy firms to help with their MPA and indirect cost rate and this is where goals come in. Goals are important and when there is a 0% goal it says "small businesses need not apply." There should be a closer look at the goal setting process.

- **Adjournment:** 5pm.



COLORADO
Transportation Commission

4201 East Arkansas Avenue, Room270
Denver, CO 80222-3406

DATE: May 25, 2016
TO: Transportation Commission
FROM: Greg Diehl, Director, *Civil Rights & Business Resource Center (CRBRC)*
SUBJECT: June Disadvantaged Business Enterprise (DBE) Committee Meeting

Minutes

At the February DBE Committee, due to an insufficient number of committee members, the minutes from November were not approved. They have been included in the mailing and agenda for approval this month.

DBE Participation Report

As shown in the attached DBE Semi Annual Report for the first half of Federal Fiscal Year 2016 (10/1/2015 - 03/31/2016) CDOT is slightly behind its DBE overall annual goal of 12.15% with 11.9% in awards to DBEs.

FTA Overall DBE Goal Setting Update

Next month, the CRBRC will provide the Commission with a resolution request for its Federal Transit Administration (FTA) Overall DBE Goal. The current goal is 1.31%. The FTA goal is much lower than our FHWA goal because the FTA funds support operating, administration and capital purchases of rural transit providers. There are very few contracting opportunities with relative DBE availability to perform such work.

Small Business Meet & Greet with Commission

On April 20th the CRBRC partnered with the Commission to hold a successful "Meet & Greet" between the Colorado Transportation Commission and Colorado small business owners actively seeking to work with CDOT. Nearly 50 small businesses attended the event with each having the opportunity to engage in smaller focus groups facilitated by one or more commissioners. The CRBRC has compiled a list of notes from the event and is incorporating any new topics into the Professional Services and Construction Small Business Forum agendas.

ADA Transition Plan

<<Anna - how do we want to handle this update? Do we want to attach the memo we've been working on with Josh and Maria - or does that get included elsewhere in the mailing for a different workshop discussion? Can you work with Zach on that?>>

Attachments

November 2015 and February 2016 DBE Committee Meeting Minutes
Semi-Annual DBE Participation Report
<<What else to attach? ADA Memo?



UNIFORM REPORT OF DBE COMMITMENTS/AWARDS AND PAYMENTS

Please refer to the instruction sheet for directions on filling out this form

1 Submitted to (check only one) <input checked="" type="checkbox"/> FHWA <input type="checkbox"/> FAA <input type="checkbox"/> FTA - Recipient ID Number	
2 AIP Numbers (FAA Recipients):	
3 Grant Number (FTA Recipients):	
4 Federal Fiscal Year in which reporting period falls	FY 2016
5 Reporting Period	4. Date This Report Submitted: 5/31/2016
6 Name and Address of Recipient:	Report due Dec. 1 for period Apr. 1-Sept. 30 Colorado Department of Transportation (CDOT), 4201 E. Arkansas Ave., Denver, CO 80222
7 Annual DBE Goals:	Race Conscious Projection: 8.7% Race Neutral Projection: 3.45% OVERALL Goal: 12.15%

Awards/Commitments this Reporting Period

A	B	C	D	E	F	G	H	I
Total Dollars	Total Number	Total to DBEs (dollars)	Total to DBEs (number)	Total to DBEs/Race Conscious (dollars)	Total to DBEs/Race Conscious (number)	Total to DBEs/Race Neutral (dollars)	Total to DBEs/Race Neutral (number)	Percentage of total dollars to DBEs
8 Prime contracts awarded this period	53	\$ 1,054,023	2	\$ -	-	\$ 1,054,023	2	0.4%
9 Subcontracts awarded/committed this period	516	\$ 28,511,985	191	\$ 22,031,721	137	\$ 6,480,265	54	49.8%
10 TOTAL		\$ 29,566,009	193	\$ 22,031,721	137	\$ 7,534,288	56	11.9%

BREAKDOWN BY ETHNICITY & GENDER

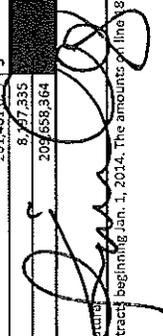
A	B		C		D		E		F
	Women	Men	Total	Women	Men	Total	Total		
11 Black American	\$ 78,814	\$ 994,322	\$ 1,073,136	6	6	12	4	10	
12 Hispanic American	\$ 2,942,190	\$ 11,657,182	\$ 14,599,373	12	71	83	8	83	
13 Native American	\$ -	\$ 2,309,303	\$ 2,309,303	-	-	-	-	-	
14 Asian-Pacific American	\$ -	\$ -	\$ -	-	-	-	-	-	
15 Subcontinent Asian Americans	\$ -	\$ -	\$ -	-	-	-	-	-	
16 Non-Minority	\$ 11,584,197	\$ -	\$ 11,584,197	92	-	92	-	92	
17 TOTAL	\$ 14,605,202	\$ 14,960,807	\$ 29,566,009	110	83	193	-	193	

Payments Made this Period

A	B	C	D	E	F
Total Number of Contracts	Total Dollars Paid	Total Number of Contracts with DBEs	Total Payments to DBE Firms	Total Number of DBE Firms Paid	Percent to DBEs
18 Prime and subcontracts currently in progress *	\$ 617	\$ 49,349,673	177	62	10.0%

TOTAL PAYMENTS ON CONTRACTS COMPLETED THIS REPORTING PERIOD

A	B	C	D	E
Number of Contracts Completed	Total Dollar Value of Contracts Completed	DBE Participation Needed to Meet Goal (Dollars)	Total DBE Participation (Dollars)	Percent to DBEs
19 Race Conscious	\$ 39	\$ 201,461,029	\$ 19,859,166	19.5%
20 Race Neutral	8	\$ 8,773,335	\$ 333,253	4.1%
21 Totals	47	\$ 209,658,364	\$ 28,326,254	13.5%

22 Submitted by: Katherine Williams
23. Signature: 
24. Phone Number: 303-757-9162

* Note: Payments to DBE subcontractors are collected using CDOT form 1419, which was instituted on construction contracts beginning Jan. 1, 2014. The amounts on line 8 include ongoing contracts that were let after Jan. 1, 2014, for which DBE payment information has been received and recorded.