

**The North Dakota Department of Transportation
DBE Program Plan**



Annual DBE Goals - FFY 2011

For

**U.S. Department of Transportation
Federal Transit Administration**

**In accordance with 49 CFR Part 26
August 10, 2010**

**FISCAL YEAR 2011
FTA DBE GOAL-SETTING METHODOLOGY**

In accordance with 49 CFR Part 26, the North Dakota Department of Transportation determined the FY 2011 DBE goal at **0 percent for Transit.**

Availability of Disadvantaged Business Enterprises (DBEs) is compiled from data gathered from the Department’s consultant and contractor lists, the DBE rosters, and lists of firms who submitted bids to the Metropolitan Planning Organizations from the period April 1, 2009, through March 31, 2010. The information gathered was used to establish the pool of ready, willing, and able DBEs and non-DBEs.

STEP 1—Corridor Studies/Planning

There are a total of 29 prime contractors bidding in FY2010: 1 DBE firms and 28 non-DBEs. 1 divided by 29 equals **3.45% of bidders in FY2010.**

TYPE OF FUNDING	FY 2011	AVAILABLE FOR DBE PARTICIPATION (contracting opportunities)	DESCRIPTION
Section 5304	\$296,250	\$265,424	corridor studies/planning
Section 5313 (b)	\$79,000	\$	corridor studies/planning
FHWA PL	\$1,066,500	\$390,000	corridor studies/planning
FHWA SP & R	\$395,000	\$112,500	corridor studies/planning
Section 5307	\$4,000,000	\$0	No known bus suppliers or operations providers available
Section 5310	\$1,361,600	\$0	No known bus suppliers or operations providers available
Section 5311	\$4,000,000	\$0	No known bus suppliers or operations providers available
Section 5311 (b)	\$80,000	\$0	No known bus suppliers or operations providers available
Section 3037/5316	\$309,410	\$0	No known bus suppliers or operations providers available
Section 5309	\$3,100,000	\$700,000	Commercial building consulting; Rolling stock and operational needs—no known bus suppliers or operations providers available
Section 5317	246,725	\$0	No known bus suppliers or operations providers available
ARRA Capital	\$1,000,000	\$0	No known bus suppliers available
ARRA Bus Storage Facility Construction	\$5,000,000	\$0	Will be let in June with Race Neutral clause
TOTAL	\$20,934,485	\$1,467,924	

$$3.45\% \times \$1,467,924 = \$50,643$$

Section 5303 & 5304 plus FHWA Planning

This funding will be distributed based on the cities' populations as determined by the 2000 US Census as follows: Bismarck-Mandan MPO, 32.49%, Fargo-Moorhead COG 46.18% and the Grand Forks-East Grand Forks MPO 21.33%. Before employing the approved formula each MPO will receive a \$30,000 base amount. These funds will be used for items such as corridor studies, signal coordination studies, and long range transportation plans. DBEs certified by the department, in these areas, will be afforded the opportunity to bid on these projects. The funding and contracting opportunities for Grand Forks-East Grand Forks MPO are not included because they develop and report DBE goals directly to FTA. Specialty services for 2010 Web page update for Fargo is funded with these programs.

FHWA State Planning and Research (SPR)

SPR funds are used for a number of different projects from transit employee salaries to travel expenses. If the department's transit section needs to do any planning studies they are also charged to SPT funds. DBEs certified by the Department, in this area, will be afforded the opportunity to bid on these projects.

Section 5307

These dollars are for urban operating funds. Currently there are no DBEs certified by the Department, with expertise in this area.

Section 5310

These dollars are for rural capital funds. Currently there are no DBEs certified by the Department, with expertise in this area.

Section 5311

These dollars are for rural capital and operating funds. Currently there are no DBEs certified by the Department, as bus suppliers or as transit providers.

Section 5311b

These dollars are training funds for rural providers. Every effort is made to encourage transit employees to attend out of state training such as that provided by CTAA. Currently there are no DBEs certified by the Department, providing this type of training.

Section 5316

These dollars are for both rural and urban capital and operating expenses. Currently there are no DBEs certified by the Department, as bus suppliers or as transit providers.

Section 5309

These dollars are for both rural and urban capital expenses. Funding will be allocated for purchase of rolling stock and other items such as bus shelters, transit fare boxes, fare card bending kiosk, and bus washer system. Funding will also be used for professional engineering services for six bus storage facilities. Currently there are no DBEs certified by the Department, supplying these products or services.

Section 5317

These dollars are for both rural and urban capital and operating expenses. Currently there are no DBEs certified by the Department, as bus suppliers or as transit providers.

ARRA – American Recovery and Reinvestment Act of 2009

The rural stimulus funds are expected to be expended in FY 2011. Six bus storage facilities will be put out for bid June 2010 and for two buses are expected in August, 2010. Currently there are no DBEs certified by the Department, as bus suppliers. No known contractors are available for the transit storage facility construction.

The Department began determining a separate DBE Goal for its transit programs five years ago. The transit program DBE goal has been zero (0.00) percent for each of those years. The Base figure reflects the lack of activity by DBEs in the areas of research, planning, consulting and contracting in the state of North Dakota in the four years that a separate goal has been determined for transit programs. One bid was received this year from a DBE prime Consultant.

STEP 2

All requests for proposals are forwarded to the Department's Civil Rights Division who will in turn notify all DBE consulting firms via their list serv.

The department's sub recipients have agreed to use the Department's annual FTA DBE goal setting methodology and approved DBE program. The Department has only a handful of DBE firms certified in any relevant area. Generally these firms are located in the larger cities. These subrecipients biggest challenge often is to find any firm, DBE or non DBE, willing to do the small jobs. None of the DBEs certified in areas such as carpentry, concrete flat work, etc. are able to bid as the prime on the transit storage facilities, only as subcontractors.

There are no DBEs currently certified who supply tires, batteries, gasoline, or diesel fuel. The state has less than seven (7) people per square mile consequently we don't have a lot of choice as to vendors. Transit Section staff have worked with sub-recipients to encourage local firms who might be eligible for certification to no avail. However, as stated previously, the department is committed to forwarding the requests, via email, for all proposals and notices to bid to all applicable Department certified DBE firms.

While we have two DBEs certified, they have not submitted bids in the area of corridor studies/planning, therefore the volume of work they have performed during the past three years, in this area, is 0 percent. Generally they bid on projects which include road design, ground survey, and testing.

Several of the contractors we use have the capability to become DBE firms, but have not filed the paperwork to become certified. At least one fuel supplier, one bus lettering and uniform vendor, one brochure vendor, one sign vendor, and one transit provider qualify as DBE firms. Three transit providers are tribal recipients.

The Department will continue to encourage these vendors to pursue certification.

ADJUSTMENTS

The Department also considered available evidence from related fields that affect the opportunities for DBEs to form, grow, and compete. To determine the effects of discrimination on opportunities for DBEs to get financing, bonding, or insurance, we contacted the following:

- ND Attorney General's Office
- ND Department of Banking and Financial Institutions
- ND Department of Commerce
- ND Department of Human Services
- ND Small Business Development Center
- ND Office of Management and Budget
- ND University System

The Department received no information from these sources indicating that adjustment based on this evidence is warranted. No disparity studies have been conducted in the state. Therefore, no adjustment has been made for this factor.

BREAKOUT OF ESTIMATED RACE-NEUTRAL AND RACE-CONSCIOUS PARTICIPATION

The DBE regulations require NDDOT to meet the maximum feasible portion of our overall goal by race-neutral means. The Department commits to aggressively working with the DBE consultant industry to interest them in the areas available for bidding using Federal Transit Administration funding. This will be achieved in the following way:

1. Ensure distribution of the Department's DBE Directory, through electronic means, to the widest feasible universe of potential prime consultants and state and federal contracting agencies by publishing it on the ND DOT web site at <http://www.dot.nd.gov/dotnet2/dbedirectory/default.aspx>.
2. Previously data has not been kept relative to the dollars awarded to: 1) consultants to conduct corridor studies; or 2) building construction to build facilities for public transit projects. Prior to 2006, very little of the total FTA dollars received have been expended in an area where DBEs might compete. However, in an attempt to interest DBE consultants in this area of opportunity, the Department has adhered to the following for all requests for proposals as of January 1, 2006:
 - **Sending copies of all requests for proposals to all qualified DBEs and non-DBEs in any relative area**, regardless of whether the Metropolitan Planning Organizations or the Department originated the request for proposal.
 - Proposals will contain a DBE clause requesting information as to possible areas of subcontracting to either DBE or non-DBEs if appropriate.
 - A list will be developed of DBEs and non-DBEs responding to requests for proposals. Local Government will have to determine if these tasks were done and the information gathered. If so it is used in step one above.

For reporting purposes, race-neutral DBE participation includes but is not necessarily limited to:

1. DBE participation through a prime consultant contract utilizing the consultant selection process;
2. DBE participation through a subcontract on a prime consultant contract that doesn't carry a DBE goal; and
3. DBE participation through a subcontract from a prime consultant that did not consider a firm's DBE status in making the award.

The Department believes it will meet both the consulting goal and building construction goal of **0 percent** by using race-neutral means as necessary.

NDDOT, MPO & COG Consultants

28 total prime consultants bidding projects (1 DBE bidder)

22 prime consultants bidding routine transit projects (1 DBE bidder)

	Consultant	DBE?	ND DOT	Bis-Man MPO	F-M COG
1	Agency MABU – Marketing & Advertising Business Unlimited	Y	2010		
2	Alliant				2010
3	Bartlett & West		2010		
4	Bonestroo				2010
5	Current Transportation Solutions		2010		
6	First Transit			2010	
7	Giddings & Associates				2010
8	HWS Consulting group			2010	2010
9	KLJ – Kadmas Lee & Jackson		2010	2010	
10	Lightowler Johnson		2010		
11	LSC Transportation consultants		2010		
12	Ochsner, Hare and Hare				2010
13	SRF		2010	2010	2010
14	Stanec		2010		
15	Stanley Consultants				2010
16	Transit Plus – DBE Pending		2010		
17	UGPTI - SURTC		2010		
18	Ulteig		2010	2010	2010
19	URS		2010	2010	
20	Vander Salm & Associates				2010
21	Wenck Associates			2010	

22	Your CFO inc				2010
23	Absolute Marketing				2010
24	Ecliptic Technologies				2010
25	GovOffice Web Solutinos				2010
26	Ignus				2010
27	Nubson Design Inc				2010
28	Onsharp				2010

MPO & COG RFP dissemination methodologies

1) Bismarck-Mandan

- Web site: Posts RFPs on its web site as soon as possible upon final approval
- Advertising: Posts in the local newspaper (The Bismarck Tribune) once during the week in a display ad format 3-4 weeks in advance of the response deadline. The MPO prefers not to advertise in the weekend newspapers.
- No special effort is made toward reaching DBEs.
- Some RFPs encourage subcontracts to DBEs. This is not consistent.

2) Fargo-Moorhead

- Distribution is made to a wide list of consultants and vendors. The list is compiled from two sources:
 - 1) Consultants who have bid on F-M COG projects
 - 2) Consultants who have expressed interest in bidding on F-M COG projects
- F-M COG forwards the RFP notice to the ND DOT Office of Civil Rights so they are able to distribute to their list of DBE vendors. Metro COG also coordinates with MN DOT District 4 regarding their DBE directory. Metro COG regularly reviews its consultant lists to ensure it is up to date.
- ALL RFP's released by Metro COG include a clause that asks bidders to substantiate their efforts at involving DBE/MBE firms in their proposal. Metro COG does not rank or score proposals based on DBE/MBE involvement.
- F-M COG does not set an annual goal for DBE. F-M COG is covered under the ND DOT goal since F-M COG is a sub-recipient of Federal funds through ND DOT.