

# DBE Advisory Group - Entire Group Meeting

## Agenda

**May 22, 2018**  
**10:00 am to 12:00 pm**  
**26620 68th Avenue South**  
**Kent, WA 98032**

Introduction and Agenda Review	10:00 to 10:05	Earl Key
FTA Overall DBE Goal	10:05 to 10:40	Jackie Bayne
Mentor Protégé Update	10:40 to 11:00	Larry Watkinson
White Women Business Waiver	11:00 to 11:15	Earl Key
African American Business Waiver	11:15 to 11:30	Jackie Bayne
Open Discussion	11:30 to 12:00	All

For individuals not able to attend in person, a phone bridge has been established.  
Please call (360) 709-8060 and use the passcode 3607057090.



*Wendy Kenyon*

Administrative Assistant  
WSDOT-Office of Equal Opportunity  
310 Maple Park Ave SE  
Olympia, WA 98504-7314  
(360) 705-7319  
[KenyonW@wsdot.wa.gov](mailto:KenyonW@wsdot.wa.gov)

## Upcoming Projects

- **Washington State Ferries:**
  - Vessel maintenance and repair
  - Dockside preservation
  - New ferry vessel construction
  - Vessel conversion (eco-friendly)

Advanced Schedule of Projects: [www.wsdot.wa.gov/biz/contaa/future.htm](http://www.wsdot.wa.gov/biz/contaa/future.htm)  
Vessels: [www.wsdot.wa.gov/Ferries/Business/contracts/upcomingprojects](http://www.wsdot.wa.gov/Ferries/Business/contracts/upcomingprojects)
- **Public Transportation Division Grants:**
  - Rural Transit and non-urban providers
  - Operating expenses (e.g. salaries, fuel, uniforms, etc.)
  - Transit vehicle repair and maintenance (e.g. tires, conversion, upgrades)
  - Infrequent construction project (e.g. bus shelter, paving parking lots)
  - Infrequent consulting projects (e.g. statewide studies)

Grant Process: [www.wsdot.wa.gov/transit/grants/](http://www.wsdot.wa.gov/transit/grants/)

## Types of Certified Firms

- **For Washington State Ferries work:**
  - Shipbuilding and repair
  - Dock building companies
  - Electrical
  - Mechanical
  - Welding
  - Pile-driving
  - Architects and Engineers
  - Others
- **Types of Public Transportation Division grants:**
  - Local jurisdictions
  - Non-profits
  - Construction
  - Consulting
  - Others

## Other Items for Consideration

- Bonding and insurance requirements for work on or near water
  - WSF work makes up approximately 75 percent of FTA funds with contracting opportunities
- Public transportation division funding primarily goes to support rural and non-urban transit providers
  - PTD work makes up approximately 25 percent of FTA funds with contracting opportunities
- WSDOT needs to work to grow the bonding abilities of DBE certified firms to work on or near water
- FTA and FHWA funding:
  - FHWA funding over the past 6 years used for contracting services = \$440,565,336
  - FTA funding over the past 6 years used for contracting/grants services = \$64,002,656

## Questions and Answers?

For more information, please contact:  
Jackie Bayne, Policy Manager  
WSDOT Office of Equal Opportunity  
310 Maple Park Ave SE  
Olympia, WA 98504  
360.705.7084 or [BayneJ@wsdot.wa.gov](mailto:BayneJ@wsdot.wa.gov)

## NOTES

### 1. Introduction and Agenda Review: Earl Key

- Introduction of Attendees

### 2. FTA Overall DBE Goal: Jackie Bayne

- Jackie Bayne distributed a four-page handout: **Federal Transit Administration-Overall DBE Goal Consultation.**
- Topics of Discussion:
  - Upcoming projects.
  - Types of companies needed to work on upcoming projects.
  - Overall DBE Goal setting process.
    - ❖ Disparity Study.
    - ❖ Past participation.
  - Other items for consideration.
  - Questions and answers.
- Questions and comments from the Group regarding the FTA Overall DBE Goal:
  - For Washington State Ferry work - individuals wanted to add tiling, terminal, flooring and other types of firms available.
  - Consideration needs to be made for certified firms that can supply fuel.
  - Comments were made about the difficulty and cost of obtaining Longshoreman insurance, a requirement for many WSF projects.
  - Inquiries were made about how WSDOT could assist in increasing the number of certified firms with Longshoreman insurance. WSDOT will contact the USDOT Small Business Transportation Resource Center to look into a Bonding/Insurance workshop.
  - Individuals brought up questions about the GC/CM delivery model and best value/Good Faith Efforts.
  - FHWA noted that Alaska DOT has seen some good DBE Participation on their Ferry projects; Earl noted he would follow up with the ADOT DBE Liaison Officer to find out how they achieved that participation.

**Action:** See attachment.

### 3. Mentor Protégé Update: Earl Key

- We had the first pairing of mentor protégés. We currently have 17 mentors matched with protégés.
- There are many different personalities to pair up with the mentors and protégés. This program is more effective when you pair the protégé with a mentor they can easily work with.
- Dan Seydel had a face-to-face meeting with his mentor. He would like to share his testimony. If anyone would like to talk about it offline, feel free to give him a call.



**Bayne, Jackie**

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**From:** Washington State Department of Transportation <wsdot@service.govdelivery.com>  
**Sent:** Wednesday, May 30, 2018 11:46 AM  
**To:** Bayne, Jackie  
**Subject:** WSDOT seeks comments on proposed DBE contracting goal for transit projects

## **Washington State Department of Transportation – NEWS**

Headquarters – 310 Maple Park Avenue SE – Olympia, WA 98504-7314 – 360 705-7000

**FOR IMMEDIATE RELEASE**

May 29, 2018

Contact: [Jackie Bayne](#), Office of Equal Opportunity, 360 705-7084

# **WSDOT seeks comments on proposed DBE contracting goal for transit projects**

*Comments accepted through July 6*

OLYMPIA – Contractors, trade and labor organizations, small and disadvantaged businesses and all others interested in working with the Washington State Department of Transportation are invited to attend informational meetings about the agency’s proposed Disadvantaged Business Enterprise goal for Federal Transit Administration contracts.

WSDOT receives FTA grants and financial assistance for projects through its Public Transportation Division and Washington State Ferries. DBE goals for transportation projects that receive federal funds represent a percentage of work in which minority and women-owned businesses should participate.

WSDOT is proposing a 5.58 percent overall DBE participation goal for FTA-funded projects for the remainder of federal fiscal year 2018, as well as FFY 2019 through 2020. Once submitted to FTA in July, the goal will be effective through Sept. 30, 2020.

The purpose of the DBE program is to create a level playing field for firms owned and operated by disadvantaged individuals wanting to participate in federally assisted highway, transit and aviation programs.

### **Connecting with communities**

WSDOT will host a public meeting in Seattle and a webinar to discuss the overall FTA DBE goal.

- **Seattle**

1 – 3 p.m. Monday, June 11

WSDOT Northwest Region Headquarters

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Washington State Department of Transportation 310 Maple Park Ave SE · Olympia, WA 98504





# Washington State Department of Transportation

Federal Transit Administration Overall DBE Goal

Public Meeting

June 11, 2018

First Name	Last Name	Company/Organization	Telephone Number
Kathryn Sifchun		Confience Environmental Co	206 601 0635

## Bayne, Jackie

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**Subject:** FTA Overall DBE Goal Webinar  
**Location:** Skype Meeting

**Start:** Tue 6/12/2018 1:00 PM  
**End:** Tue 6/12/2018 2:30 PM

**Recurrence:** (none)

**Meeting Status:** Accepted

**Organizer:** Brooks, Julius  
**Required Attendees:** Bayne, Jackie  
**Optional Attendees:** Wendy Novak, Jerry Vanderwood, Beverly, Wei Li, Huy Tran, Chuck Ruth, outlook\_923DBB1A2932D21D@outlook.com, Kris Purrier

Call 360.709.8060 passcode 3607057090#

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# Topics

- Intent of the DBE Program
- Benefits of DBE Certification
- Overview of the DBE Program Disparity Study
- Overall DBE Goal Setting Process
- Race-Neutral Projection Setting
- Other Considerations
- Questions & Answers

# Benefits of DBE Certification

- Demand: DBEs are in demand by contractors who participate on federally-funded projects in order to receive credit toward their DBE participation goals.
- Visibility: DBEs appear on the Office of Minority & Women's Business Enterprises (OMWBE) online directory which allows firm information to be available to all agencies and prime contractors.
- Training & Support: DBEs have access to free professional business development experts through the DBE Support Services Program, funded by Federal Highway Administration.

# Overall DBE Goal Setting Process

- Directed by 49 Code of Federal Regulation Part 26.45

49 CFR 26.45(c) *Step 1*. You must begin your goal setting process by determining a base figure for the relative availability of DBEs. The following are examples of approaches that you may take toward determining a base figure. These examples are provided as a starting point for your goal setting process. Any percentage figure derived from one of these examples should be considered a basis from which you begin when examining all evidence available in your jurisdiction. These examples are not intended as an exhaustive list. Other methods or combinations of methods to determine a base figure may be used, subject to approval by the concerned operating administration.

- Guided by USDOT Tips for Goal Setting in the DBE Program

# Overall DBE Goal Setting Process

- Step 1 - Baseline Availability Figure, established by the 2017 DBE Program Disparity Consultant more refined calculation is 10.8%
- Step 2 - Past DBE Participation evaluation:

Federal Fiscal Year	DBE Participation
2013	0.00%
2014	0.31%
2015	1.30%
2016	0.35%
2017	1.90%

- Median past DBE participation for the previous five fiscal years is .35%.
- Averaging previous participation (.35%) with baseline availability (10.8%) - WSDOT needed to consider 5.58% as the overall DBE goal.
- WSDOT chose 5.58% as the proposed overall DBE goal for FFY 2018 through FFY 2020.

# Other Considerations

- WSDOT is seeking public comment on the overall DBE goal until July 6th.
- To submit comments, please mail or email them to:  
Jackie Bayne, Policy Manager  
WSDOT, Office of Equal Opportunity  
310 Maple Park Avenue SE  
Olympia, WA 98504-7314  
[BayneJ@wsdot.wa.gov](mailto:BayneJ@wsdot.wa.gov)
- Once the public comment period is over, WSDOT will compile the public comments and if necessary, revise the goal.
- We anticipate submitting the new goal to FTA in mid-July.

**Bayne, Jackie**

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**From:** Ruiz, Fernando <Fernando.Ruiz@mail.house.gov>  
**Sent:** Friday, July 6, 2018 11:11 AM  
**To:** Bayne, Jackie  
**Cc:** Entenman, Debra; Nhan, Christine  
**Subject:** Rep. Adam Smith Comment DBE FTA Contract Goal  
**Attachments:** FINAL WSDOT DBE FTA Participation Goal.pdf

Hi Jackie,

Attached please find a PDF copy of Rep. Adam Smith's written comment on WSDOT's proposed DBE goal for FTA-funded contracts. We have also sent a written copy through the mail as well. Should you have any questions, please do not hesitate to reach out.

Best,  
Fernando





**Washington State  
Department of Transportation**

Transportation Building  
310 Maple Park Avenue S.E.  
P.O. Box 47300  
Olympia, WA 98504-7300  
360-705-7000  
TTY: 1-800-833-6388  
[www.wsdot.wa.gov](http://www.wsdot.wa.gov)

July 9, 2018

The Honorable Adam Smith  
Member, U.S. House of Representatives  
15 South Grady Way, Suite 101  
Renton, Washington 98057

Dear Congressman Smith:

Thank you for your letter of July 6, 2018 regarding the Federal Transit Administration Overall Disadvantaged Business Enterprise Goal of 5.58 percent. We appreciate your input and take all comments into consideration before making a final decision.

The Washington State Department of Transportation is pleased that you are encouraged by the steps we are taking to increase DBE participation and capacity. We will continue to enhance our implementation of the DBE program and other inclusion initiatives currently underway.

We look forward to working with your office as we enhance our civil rights programs to ensure our workforce and contracting community reflect the communities we serve.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Earl Key'.

Earl Key  
Director of the Office of Equal Opportunity  
WSDOT Office of Equal Opportunity

cc: Roger Millar, WSDOT  
Allison Camden, WSDOT

[BayneJ@wsdot.wa.gov](mailto:BayneJ@wsdot.wa.gov)

**From:** Daniel Seydel, II <dan@platinumbusinessgroup.com>  
**Sent:** Wednesday, May 30, 2018 8:23 AM  
**To:** Bayne, Jackie <BayneJ@wsdot.wa.gov>  
**Subject:** Re: WSDOT News: WSDOT seeks comments on proposed DBE contracting goal for transit projects

Why would their goal be less than the state's?

Daniel J. Seydel, II  
Director of Small Business Inclusion  
Platinum Group, LLC  
206.406.0844  
f) 206.299.9934  
[www.platinumbusinessgroup.com](http://www.platinumbusinessgroup.com)

Small Business is the Answer.

FREE TRAINING FOR ENTREPRENEURS & JOB SEEKERS - Polish your skills or make your firm stand out thanks to the Entrepreneurial Institute of Washington.  
[www.eiwwashington.org](http://www.eiwwashington.org)

YouTube: EIW Contractor University  
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<https://www.facebook.com/EIWWashington/?ref=hl>

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**From:** Bayne, Jackie <[BayneJ@wsdot.wa.gov](mailto:BayneJ@wsdot.wa.gov)>  
**Sent:** Wednesday, May 30, 2018 8:06:00 AM  
**Subject:** WSDOT News: WSDOT seeks comments on proposed DBE contracting goal for transit projects

FYI, please see the below.

Thank you,

Jackie Bayne  
Policy Manager  
WSDOT Office of Equal Opportunity  
Work: (360) 705-7084  
Cell: (360) 338-5783  
[BayneJ@wsdot.wa.gov](mailto:BayneJ@wsdot.wa.gov)

**Hyperlinks within this release:**

- WSDOT region headquarters offices: [www.wsdot.wa.gov/Contact/officelocation.htm#region](http://www.wsdot.wa.gov/Contact/officelocation.htm#region)

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**Bayne, Jackie**

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**From:** Anjali Grant <anjali@anjalignant.com>  
**Sent:** Wednesday, May 30, 2018 1:32 PM  
**To:** Bayne, Jackie  
**Subject:** WSDOT seeks comments on proposed DBE contracting goal for transit projects

Dear Ms. Bayne,

Unfortunately, the "Documents detailing the methodology used for determining the FTA DBE goals" referred to in your email lack an executive summary outlining in clear English how the goals have been established, or why they have been established (beyond minimal compliance with Federal law). Without a summary of this sort, it is very hard to make an informed comment.

Reviewing the Disparity Study briefly, it seems that the hourly rate provisions (either 'Safe Harbor' or via audit) are onerous for most small firms. Reviewing my own employee rates, the proposed 'Safe Harbor' rates are well below market for professional services.

Regards,

--

Anjali

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