

**Civil Rights Partnering Team
Annual Report
June 20, 2014**

I. SUMMARY: - MOHAMMED and LINDA

The DDOT Office of Civil Rights (OCR) administers compliance programs and policies related to Civil Rights for the District Department of Transportation; plays a key role in assuring every effort is made to ensure nondiscrimination of all its programs (including federal-aid) and activities. FHWA (Federal Highway Administration) DC Division provides oversight, technical assistance, and monitors federal-aid programs in efforts to eliminate and prevent discrimination.

The focus of this partnering team is to integrate civil rights knowledge and application throughout DDOT and improve communication between civil rights and other disciplines planning and administration of programs.

The partnering team consisted of representatives from the Federal Highway Administration (FHWA) and the District Department of Transportation (DDOT)

- Lisa Gregory; Co-Team Leader, DDOT
- Janine Ashe, Co-Team Leader, FHWA
- Neal Watson: Contract Procurement
- Adil Rizvi: IPMA
- Mohammad Kabir: Team Member, OCR
- Linda Fennell: Team Member, OCR

II. DBE PROGRAM - JANINE

1. The Disadvantaged Business Enterprise Program (DBE) is a legislatively mandated USDOT program that applies to Federal-aid highway dollars expended on federally-assisted contracts issued by USDOT recipients such as State Transportation Agencies (STAs).
2. The U.S. Congress established the DBE program in 1982 to:
 - a. Ensure nondiscrimination in the award and administration of DOT-assisted contracts;
 - b. Help remove barriers to the participation of DBEs in DOT-assisted contracts, and
 - c. Assist the development of firms that can compete successfully in the marketplace outside of the DBE program.
3. Background: The DBE program ensures that federally assisted contracts for highway, transit and aviation projects are made available for small business concerns owned and controlled by socially and economically disadvantaged individuals. The DBE program was most recently reauthorized by MAP-21, Moving Ahead for Progress in the 21st Century Act (P.L. 112-141). The program is administered by the three modal administrations (i.e., FHWA, FTA, and FAA) with the Federal Highway Administration

(FHWA) maintaining a significant stewardship role for the program. Implementation of the DBE program is guided by USDOT regulations found at *49 CFR Part 26 (Part 23 for airport concessions)*.

4. **Requirements:** Every three years, STAs are required to set an overall DBE goal that they must either meet, or show that they used good faith efforts to meet, annually. This goal is in the form of a percentage of federal funds apportioned annually to each STA and is calculated based upon the relative availability of DBE firms as compared to all firms in the relevant geographic market area. STAs that do not meet their goal in any given year, must submit a document to their operating administrations, such as FHWA, identifying and analyzing the reasons why the goal was not met and creating specific steps to correct the problems going forward.
5. **Observations/Oversight & Monitoring:** The OCR is often not made aware of change orders effecting DBEs as they occur during construction. In order to ensure that the DBE program is meeting the regulatory requirements, the OCR and the FHWA Division office saw a benefit to partnering with the Office of Contract and Procurement and IPMA to develop procedures for better oversight of the DBE program and to meet with DDOT staff regularly to ensure understanding of procedures and requirements. Some of the areas to be addressed include:
 - a. Changes to DBE commitments and good faith efforts
 - b. Written approval requirements
 - c. Contact information on contracts (where OCR approval is required)
 - d. DBE penalty language to address lack of good faith efforts/lack of written approval for changes in DBE commitments in contracts
 - e. Include DBEs in preconstruction meetings to ensure knowledge of DBE program requirements

III. FY' 2014 FOCUS: DBEs and CHANGE ORDERS - ADIL

Civil Rights Partnership group met 11 times of the past year to discuss the relationship between IPMA, OCP and OCR. The area of focus was how to diminish the negative impact on DBE subcontractors. We spent some time understanding what each office does. Here's what we determined: **(Adil will provide an overview of the group's activities and action items)**

IV. 1365 FORMs REVISION: - NEAL

Here's what we are proposing to do (Neal will discuss the new language and the pilot project):

- 1) New 1365 to reflect potential impact on DBE goal
- 2) Pilot Project

V. PRIOR YEAR's FOCUS and ACCOMPLISHMENTS- LISA

The focus of the 2013 FHWA/DDOT-OCR partnership was as follows:

1. DBE goal attainment for the last 3 years for FHWA
2. Implements DBE goal contract compliance tool
3. DBE summit with Anthony Fox as a guest speaker
4. Revised directly
5. OJT program received industry recognition for best practices during the 2013 Southern Transportation Civil Rights Symposium
6. Completed DBE program manual

The focus of the 2012 FHWA/DDOT-OCR partnership was as follows;

1. Internal and external ADA complaint process
2. Civil rights training schedule
3. DBE goal setting training for possible revision
4. DBE goal setting for CM projects
5. ADA inventory and Transition Plan Timeline
6. Changing the order process of a change order
 - Established procedures for changing a contract order, and task order
 - Made adjustments to the reasons behind the change in orders; small language and diction will not reflect impacts on DBEs, but rather the actions of primes.

VI. Future Focus

The partnering team plans to continue the DBE program and implement coordination between OCR and other DDOT disciplines. (e.g., Contract and Procurement, IPMA, project engineers).