

NOTICE OF PROPOSED GUIDANCE DOCUMENT

DTIM BTLRRH 65

Pursuant to Wis. Stat. s. 227.112, the Wisconsin Department of Transportation is hereby seeking comment on DTIM BTLRRH 65, 49 CFR Part 26, a proposed guidance document.

PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION

Comments may be submitted to the Wisconsin Department of Transportation for 21 days by:

1. Department's website: <https://appengine.egov.com/apps/wi/dot/guidance-docs?guidDocId=DTIMBTLRRH65>

2. Mailing written comments to:

Division of Transportation Investment Management
Wisconsin Department of Transportation
4822 Madison Yards Way
PO Box 7913
Madison, WI 53707- 7913

WEBSITE LOCATION OF FINAL GUIDANCE DOCUMENT

The final version of this guidance document will be posted at wisconsindot.gov to allow for ongoing comment.

AGENCY CONTACT

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DBE Requirements:



YES, THEY APPLY TO YOU!

DBE Basics

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- **Disadvantaged Business Enterprise (DBE) provisions apply to USDOT (including FTA) assisted contracts**
- **FTA planning, capital, and/or operating assistance spent on contracts**
- **WisDOT Transit DBE program addresses FTA funded contracting activities by WisDOT and subrecipients**

What is a Contract?

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- **Contract – A mutually binding legal relationship obligating a seller to furnish supplies or services (including construction) and the buyer to pay for them.**
- **Contracts include a subrecipient’s contract with a vendor or contractor, including procurement by purchase order or purchase by credit card, which is financed with FTA assistance.**
- **Contracts do not include grants and cooperative agreements.**

DBE Objectives

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- **Ensure nondiscrimination in the award and administration of DOT-assisted contracts**
- **Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts**
- **Help remove barriers to the participation of DBEs in DOT-assisted contracts**
- **Promote use of DBEs in all types of DOT-assisted contracts and procurement activities**

Goals and Goal Setting

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- Overall Transit DBE goal established every three years
- Goal of 1.10% effective October 1, 2016
- Race Neutral/Race Conscious goal = 0%
- Contract specific goals established as needed to assist in attaining overall goal

Contract Goals

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- **Upcoming contracts reviewed for suitability of a contract goal**
 - Does the contract have subcontracting opportunities?
 - Are there ready, willing, and able DBE firms?
 - Has the overall DBE goal been met?
- **Contract or Discretionary goal established**

Reporting on Contracts

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- **Did you use FTA money to:**
 - Buy stuff?
 - Build stuff?
 - Plan stuff?

If yes, then you need to submit a quarterly report.

Reporting on Contracts continued

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- Report on each FTA-assisted contract
- Each contract reported twice, once at contract award and once at contract completion
- Quarterly reporting required
 - January – March report due on April 15th
 - April – June report due on July 15th
 - July – September report due on October 15th
 - October – December report due on January 15th

Reporting on Contracts continued

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- Report contracts regardless of whether there are contract goals or any DBE involvement
- Include information on subcontracts
- Include upcoming contracts anticipated for the next reporting period
- Submitted to **Program Managers** using form/spreadsheet issued by WisDOT

DBE Provisions

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- **Contract Assurance**
 - Adhere to 49 CFR Part 26
 - Condition of receiving FTA assistance
 - Requirements applied at contract level
- **Transit Vehicle Manufacturer Certification**
 - Separate DBE program for TVM
 - TVM definition
 - Process, Contract clause, Certification

DBE Provisions continued

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- **Prompt Payment**
 - Applies to all contracts with subcontracts
 - Payment by Prime Contractor to their subcontractors
 - Within 10 calendar days
 - Includes return of retainage
- **Bidders List**
 - Comprehensive list of vendors bidding on Transit contracts
 - Used in goal setting

Procurement Process

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- Contract solicitation initiated with the WisDOT **Procurement Manager**
- **Procurement Manager** ensures current DBE contract language included in solicitation documents
- No contract awards proceed without **Procurement Manager** signoff

Contract Goals Revisited

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- **Contract goal established**
- **Additional solicitation requirements**
- **Bidders to achieve contract goal, or**
- **Demonstrate Good Faith Efforts to achieve goal**
- **Once contract is signed, goal now becomes a contract commitment**

Contract Monitoring

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- **DBE subcontracts**
 - Progress toward goal
- **Prompt payment to subcontractors**
 - Log of payments

Expectations

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- **Subrecipients**
 - Submit Quarterly Contract Reports on time
 - Initiate contract solicitations with **Procurement Manager** with ample time to address requirements
 - Coordinate with WisDOT staff when separate contract goal is established
 - Attend to record keeping on an ongoing basis
 - Seek assistance from WisDOT staff with DBE questions

Expectations continued

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- **WisDOT**
 - **Program Managers** collect and compile Quarterly Contract Reports
 - **Procurement Manager** assists in completing procurement process through contract award
 - **DBE Compliance Manager** handles goal setting, reporting to FTA, and contract boiler-plate language

Contact Information

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Comments and Questions?

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