

Minutes of the 2014 TRB
Disadvantaged Business Enterprise Committee – AFH80
2014 Transportation Research Board Annual Meeting
8:00 a.m. to 12:00 p.m. – Monday, January 13, 2014
McKinley Room Marriott Hotel

Meeting commenced by Olivia Fonseca DBE Committee Chair at 8:30 a.m.

- Introduction of members and guests. See sign-in sheet for representative contact information.
- 63 individuals attended the meeting.

TRB Update

- Mr. Stu Anderson, Chair and Fred Hejl TRB staff presented the following 2014 TRB Annual Meeting information:
 - Congratulations were given to Olivia Fonseca for her tenure as the DBE Committee Chair. Ms. Fonseca steps down as the Committee Chair effective April 14, 2014. Additional Congratulations were given to Ms. Teresa Canales who is the incoming Chair effective April 15, 2014.
 - The DBE Committee is well recognized by the TRB for the level of activity the Committee has accomplished in the last 3 years. Over 25 Synthesis Topics were submitted and 3 topics were selected for funding. Plus two Research Needs Statements with one being selected. This is more than any other Committee for both submissions and selections in such a short timeframe.
 - Next year's TRB Annual Meeting will be held January 11-15, 2015 at the Washington Convention Center. All venues will be held under one roof at the Convention Center.
 - Every Committee is being asked to re-invent itself. Questions to ask and answer are: Does the Committee need to continue as is? Does the Committee need to combine with another Committee? Where should the Committee reside? Is the Committee name and mission appropriate? Each Committee Chair will be asked to present their recommendations this summer.
 - Research problem statements are due September 15, 2014. They need to be submitted through a DOT. Support from an AASHTO Subcommittee is extremely helpful.
 - Synthesis topics are due February 14, 2014. They should be between ½ and 1 page long. Be sure to put the committee name and number on the submission. Anyone can submit a synthesis topic, but be sure to run it through the committee chair and let Stu Anderson know that it was submitted so that he can support it. **A catchy title will increase the chances of it making it through the first round of selection.**

Approval of Minutes

- Approval of the prior teleconference minutes were done during a teleconference on June 17, 2013.

Presentations – Presenters, Topics, and Major Discussion Points

- Theresa Canales—Incoming DBE Committee Chair
 - Looks forward to new role in a couple of months.
 - Vision is to advance the Committee communications through the existing TRB DBE website, webinars, teleconference and social media.
 - A survey will be sent out to capture ideas to advance the Committee communications to members, friends and interested parties.

- Camille Haezur, USDOT DBE Rulemaking
 - Attendees requested an update on the NPRM DBE Rulemaking. Ms. Haezur indicated the Team is reviewing the public and stakeholders comments that were provided. It is not known when the rulemaking will be completed.
 - USDOT will be hosting Civil Rights webinars. The webinar are one hour long on topics such as Title VI, Environmental Justice, DBE Certification, Project Management, DBE Supportive Services.
- Warren Whitlock and Martha Kenley, FHWA – DBE Program Updates
 - All states have been offered grants for DBE and OJT supportive service programs. The grant proposal must show strong performance measures and outcomes. Virginia DOT DBE Supportive Services was showcased as a model.
 - Monthly training webinar on FHWA Civil Rights Topics. Webinars are the second Tuesday of the month and are open to all Stakeholders.
 - OIG report emphasized providing training to DOTs and conducting compliance reviews. FHWA will continue to present training through the monthly webinars.
 - DBE data and utilization reports continues to be evaluated for process improvements.
- Sheryl Portee, FTA – DBE, Title VI and EJ Program Updates
 - Small business program reviews have been completed.
 - Title VI, EJ and DBE Program reviews are being completed as an Enhanced Review Module.
 - FTA continues to emphasize program compliance applies to local level recipients and not just the State DOTs.
- Calvin Gibson, FRA – Insight into the FRA Best Practices of the DBE Program
 - Part 26 does not apply to FRA grants, however requesting recipients to apply the best practices of 49 CFR Part 26.
 - Currently recipients of FRA funding are submitting 100% race neutral DBE Program plans. There is a lot of creativity in these submissions to apply a DBE Program.
 - Congress continues to pursue a compelling interest to apply the DBE regulations on FRA projects; however, data is not readily available. Congress is hosting a hearing on the topic.
 - Freight rail has a small business program.
- Marcus England, FAA – DBE Program Update
 - FAA was reauthorized
 - Must develop standardized training for Airport Concession DBE certification.
 - Airport concession Certification under 49 CFR Part 23 guidance is almost complete.
- David J. Keen, Keen Independent Research – DBE Legal Cases and Challenges
 - Provided overview of key pending litigation and case laws in California, Illinois, and Minnesota.
 - Discussed current types of attacks on the DBE program or its implementation and highlighted “overconcentration” as the newest evaluation factor to implementing a narrowly tailored DBE Program and goal setting.
- Colette Holt, Colette Holt and Associates – Presentation on “Identifying Successful Practices in FHWA DBE Program” a TRB Research Needs Statement project. The project objectives and Recommendations are:
 - Identify Best Practices in the DBE Program to Facilitate
 - Broad participation of DBEs in SDOT contracts
 - Successful “graduation” from the program
 - Survivability outside the program
 - Address RFP Questions Concerning Graduates
 - What are the numbers & percentage of DBEs who have graduated in the last 5-10 years?
 - What were the industry distributions of graduates?
 - How many have graduated for exceeding the PNW vs. the size cap?

- What are successful graduates' key characteristics?
- What has been firms' experiences since graduation?
- What are the most important supportive services & what additional services would be helpful
- Address RFP Questions Concerning All DBEs
 - What are the numbers & distribution of successful awardees by industry; size; minorities versus white females?
 - What are impediments & disincentives to graduate?
 - What supportive services are most important & what additional services would be helpful?
- Address RFP Questions Concerning Primes
 - What are the most commonly subcontracted items?
 - How many different DBEs are used?
 - How are subs selected?
 - What information, methods & incentives would encourage them to use new subs?
 - Does the use of DBEs vary by the prime's size & industry?
 - What is the effect of graduation on the use of DBEs?
- RFP Recommendation Topics
 - Best practices to expand the participation of DBEs
 - Effective supportive services
 - Effective management practices & approaches to support program success
 - DBE performance measures
 - Effective data management practices to support programs
 - Further research to facilitate program improvements

Ms. Holt's powerpoint presentation is posted on the TRB DBE Committee website.

Presentation

TRB Paper Submittal 14-4508 "Anticipating our Future: Measuring Overconcentration in the DBE Compliance" Dr. Samuel Myers, Jr.

Roy Wilkins Center for Human Relations and Social Justice

Dr. Myers submitted a TRB Paper and provided a presentation on the submittal. The Paper Abstract is *"Many U.S. Department of Transportation ("DOT") programs are designed to rectify the underrepresentation of women and minorities among recipients of federal funding. Ironically, in order for there to be an underrepresentation in some areas, there must be an overrepresentation (or overconcentration) in other areas. This reality points to a need for policy makers and decision makers to be more precise regarding how "overconcentration" is measured and what can or cannot be done to remedy overconcentration.*

The paper focuses largely on the first of these two problems: precision in the measurement of overrepresentation versus underrepresentation as indicators of concentration in the marketplace."

Dr. Myers paper submittal is posted on the TRB DBE Committee website.

General Discussion by Olivia Fonseca and Teresa Canales

- The Committee has a few member openings. Submit your interest to Ms. Canales by February 1, 2014. The DBE Committee is seeking members who will be active and contribute to the mission of the DBE Committee.
- The DBE Committee can have 25 regular members, 4 young members and International members.

Synthesis Topics

- Synthesis Topics—NCHRP submissions are due by February 14, 2014 and March 14, 2014 for TCRP submissions. Go to TRB website to submit topics.
- On submissions, include the DBE Committee as the topic sponsor and provide a courtesy copy to Olivia Fonseca and Teresa Canales.
- In 2013, the DBE Committee submitted 14 topics and one was selected for research—DBE Goal Setting on Alternate Delivery Projects (Design Build, CMCG). Keen Independent Research is the consultant on the topic. Panel members include Olivia Fonseca, Michelle Carter, Shay Ponquinette, and Martha Kenley.

Meetings in 2014 and Sessions and Sponsors for 2015 Annual Meeting—Teresa Canales

- There was a meeting consensus to hold teleconference meetings in 2014.
- There was a meeting consensus to host webinar sessions.
- The DBE Committee attendees were reminded of Mr. Andersen's comments that the DBE Committee should evaluate its continual existence and name. There was a suggestion to consider changing the Committee title to Small Business Committee. Feedback will be solicited through a survey and further discussion at a future meeting.
- A survey will go out to request input from members and Committee friends to answer general questions on meetings, webinar sessions, Annual Meeting sessions, Committee mission, and Committee title.

DBE Committee Sponsored Workshop Session in Virginia Room A

TITLE: Changing Landscape of DBE Programs

Meeting Adjourned at 12:15 p.m.