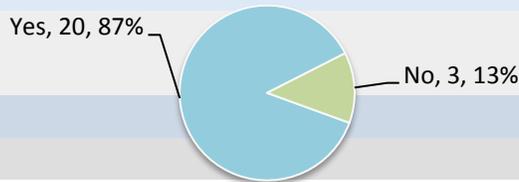


Survey Responsibility vs. Responsiveness

September 9, 2011

1. Does your state operate a race conscious DBE Federal Highway Administration program (i.e. you have an overall DBE goal which requires the use of contract goals)?



Answer Options **Resp**

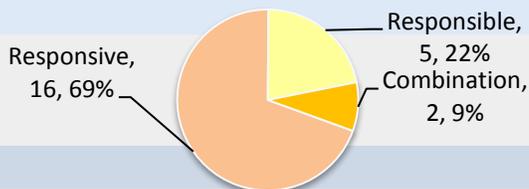
Yes 20

No 3

answered question **23**

skipped question **0**

3. Does your state presently operate its DBE Program with a Responsive or Responsible methodology (49 CFR § 26.53)?



Answer Options **Resp**

Responsive 16

Responsible 5

Combination 2

answered question **23**

skipped question **0**

State	Explanation
Arizona	Responsive but with delayed submission; 5 days following bid submission but prior to contract award
Idaho	We monitor ongoing to determine if we need to change to a responsive program or to a combination of both. Currently we are responsible.
North Carolina	Low bid wins the bid if they either meet the advertised goal or demonstrate a good faith effort to our Goal Compliance Committee
Oregon	On projects with race-conscious goals greater than zero, Bidders must submit either the DBE commitment sufficient to meet or exceed the goal, or GFE documentation with their bid. When there is a race-conscious goal, the Prime is required to submit a form listing the bid items committed to each DBE, with the dollar amount, and signed by the DBE owner, within 10 days after contract notice of intent to award and prior to contract execution.
Rhode Island	In the case of design build contracts, RIDOT utilizes both methods.
Texas	We require information for meeting contract goals only from the presumed low bidder.

4. If your State operates its DBE Program in a Responsive or Responsible fashion, what documentation, requirements or other aspects ensure the program is administered in this fashion (e.g. You are "Responsive" state and your agency requires DBE Certification Utilization information, written confirmation and Good Faith Efforts with bid submittals prior to bid opening/contract award, or you are "Responsible" state and your agency requires the bidder to submit the above information within a specified time period following bid opening and/or contract award)?

answered question **20**

skipped question **3**

State	Response Text
Arizona	Contractor and subcontractor affidavits
Arkansas	10 day after the contractor is notified of the award of the contract.
Idaho	We require information on all subs and suppliers for each project and the amounts paid to each. If we were to go to a responsive program additional documentation would be required.
Illinois	DBE Utilization Plans and, as necessary, documentation of good faith efforts.
Iowa	Contractor's DBE commitment must be submitted with their bid.
Kansas	Require DBE commitments & Good Faith Efforts prior to contract award.
Mississippi	In Mississippi we use a form called an OCR-481 form. The submitted within 10 calender days of the bid opening and is a condition of award. The prime contractor is required to list what items of work will be performed by the DBE, the percent of that work to be performed by the DBE, and the amount the DBE will be paid for that work. This form must be signed by the prime contractor and the DBE sub contractor.
Nebraska	Written DBE confirmation must be with bid submittals. If goal not met (which is VERY rare)must indiate GFE submittal will be made. GFE submittals must be submitted within 5
New Hampshire	For contracts with specific DBE goals, we require a completed DBE Commitment form detailing DBEs, item # of work and description of work to be performed. Also a letter of intent signed by each DBE listed on the commitment form and Good faith effort documentation of they have not reached the specific goal. All of this is due three business days after the bid
New York	NY State requires DBE Utilization Plans after the designation of an apparent low bidder
North Carolina	Responsive. Bidder submits DBEs electronically with electronic bid submission and follows up with signed "letters of intent" from all DBE subs within five business days. If goal is not met, prime has five days to submit Good Faith Effort Documentation to the Department for review
North Dakota	NDDOT is responsive. Bidders on RC projects are required to turn in a list of those firms to be used on the project along with bid items and total dollars amounts to be performed by each DBE, a list of DBEs who submitted quotes and were not used either due to prime doing work themselves or bid differential.
Oklahoma	names, work, and amount of DBEs listed in bid proposal to meet the goal, otherwise GFE submitted with bid. Written confirmation prior to award.
Oregon	On projects with race-conscious goals greater than zero, Bidders must submit either the DBE commitment sufficient to meet or exceed the goal, or GFE documentation with their bid. When there is a race-conscious goal, the Prime is required to submit a form listing the bid items committed to each DBE, with the dollar amount, and signed by the DBE owner, within 10 days after contract notice of intent to award and prior to contract execution.
Puerto Rico	requires DBE Certification Utilization information within a specified time period following bid opening and/or contract award.
South Dakota	Contractor submits their DBE commitment with the bid. For each DBE on the commitment form they submit a signed confirmation by the DBE agreeing to the committed work. If the contractor fails to meet the goal they must submit their GFEs prior to award of the contract.
Texas	Once bids are read and the presumptive low bidder is know, we notify them that they have 15 days do submit signed commitment or GFE before we release contract for award.
Utah	We require written confirmation prior to award
Vermont	We have not had to resort to the option of project specific DBE goals since 2003. For when we do have a project specific DBE goal, we have forms as part of our mandatory electronic bidding system that contractors complete to identify how they propose to meet the DBE goal (names of DBEs, Work Items, Dollar Amounts, etc.), and/or a form demonstrating GFEs.
Washington	DBE Certification Utilization and Written Confirmation from the DBEs at the time of award.

5. Has your State changed from Responsive to Responsible or vice versa, in the past?

		Answer Options	Resp
		Yes	2
		No	19
		answered question	22
		skipped question	1

6. Which way did your State change?

Idaho	Responsive to Responsible
Illinois	Responsible to Responsive

7. How long ago did your State make this change?

Idaho	More than 5 years ago
Illinois	Between 1-2 years ago

8. When you changed from one method to the other did you experience an increase in any of the following? (Please check all that apply)

		Answer Options	Resp
		<i>Legal Challenges</i>	IL
		<i>Title VI Complaints</i>	-
		<i>Bid Costs</i>	ND
		<i>Bid Protests</i>	-
		<i>Project Injunctions</i>	-
		<i>Other</i>	Below
Idaho	None of the above was experienced.		
Illinois	Miscellaneous complaints on new procedure.		

9. If you experienced any of the above, please provide a narrative explaining the issues, resolutions and impacts.

Idaho	NA
Illinois	After the initial adjustment period due to the new process, complaints dissipated. IDOT's Office of Business & Workforce Diversity does not know the issues, resolutions and/or impacts of the legal challenge(s), as those are handled by IDOT's Office of the Chief Counsel.

10. If you experience any of the above, what would you estimate was the cost annually? (including employee/attorney time, in resolving these issues)

		<i>Less than \$100,000</i>	IL
		<i>Between \$100,001 to \$250,000</i>	-
		<i>Between \$250,001 to \$500,000</i>	-
		<i>Between \$500,001 to \$1,000,000</i>	-
		<i>More than \$1,000,000</i>	-
Idaho	NA		
Illinois	Less than \$100,000		

11. If you changed from one process to another, have you considered moving back? Please explain what made this a change a consideration?

Idaho	Yes. We review participation and other data ongoing to determine any needed changes.
Illinois	No.
Oklahoma	Yes. Due to complex nature of projects, time frame for primes to secure DBE bids very short. Considering moving back to after bid, pre-award submittal. Do not believe the old idea of bid shopping is still an issue in this highly competitive market.

12. On projects with DBE contract goals, does your State require written confirmation (i.e. written documentation verifying that the prime has contacted the subcontractor)?

	Answer Options	Resp
	Yes	20
	No	2
	answered question	22
	skipped question	1

13. What is contained within your State's written confirmation? Please check all that apply.

	Answer Options	Resp
	Prime Contractor Company Name	19
	Prime Contractor Signature	16
	Prime Contractor Title and Name	14
	DBE Company Name	20
	DBE Contractor Signature	17
	DBE Contractor Title and Name	15
	Dollar Amount of Work the DBE will be Performing	20
	Scope of Work the DBE will be Performing	20
	Other (please specify)	8
	answered question	20
	skipped question	1

Idaho	We also would require a statement from the DBE firms stating they are aware of being committed.
Mississippi	The prime is required to list the percentage of each item of work to be performed by the DBE so that our field personnel can monitor to ensure the DBE is performing their work with their own equipment and workforce.
New Hampshire	DBE name address and telephone #, project #,
North Carolina	We call it a "Letter of Intent" Form
North Dakota	Question 12 is unclear if you are asking based on question 11. Has prime contacted DBEs in solicitation of a quote or has received a quote and in confirmation that the DBE will be used if the bidder is read low? The items checked above are only in confirmation the low bidder is going to be using the DBE. Bidders list DBEs in proposal when submitted, then if they are low bidder they have 5 days to get a Form C signed, between prime or large subcontractor and DBE indicated that all parties agree on the bid item quantities, prices, and other incidentals as listed in the DBE quote. We do not require bidders to make individual contact with DBEs. They advertise in the NDDOT's supportive services newsletter published 2 weeks prior to the bid opening and then primes, large subs, and DBEs sign in the day before the bid opening for each project they are interested in and everyone can view on a project by project basis who signed in for which projects.
Oklahoma	Prime attaches the DBE quote with the confirmation
Rhode Island	We review the executed subcontract. The review ensures that all required federal language is present as well as nothing contrary to CUF guidelines. (ex: rental of equipment from prime)
Vermont	We also verify by phone on bid opening day.

14. What is the timeframe for submission of the written confirmation?

	With bid submittal	4
	The same day, but a few hours later	0
	Within three (3) business days	5
	More than three (3) business days	12
	answered question	21
	skipped question	2

15. Who assisted your State in determining the DBE submission process (Responsiveness or Responsibility) you use?

	Answer Options	Resp
	<i>The DBE Liaison Officer</i>	13
	<i>The State DOT Staff</i>	12
	<i>State Legislature</i>	0
	<i>Federal Highway Administration</i>	6
	<i>Stakeholders. Please explain which organizations had the most influence in this decision:</i>	4
	answered question	22
	skipped question	1

Idaho	Outside organizations and companies.
Nebraska	The DBE submission process has been this way since the DBE Program started.
New York	NYSDOT's DBE submission process is under review. Historically, this aspect of the process has not included input by the Office of Civil Rights. It has been controlled by the Office of Construction. This will have to change going forward to be a process that is overseen by OCR.
North Dakota	We have a committee of 3 Division Directors: Civil Rights, Finance, Construction who vote on whether to award, not award, or award subject to using a DBE in a bid differential situation. This recommendation is made to the NDDOT Director who makes the final decision.

17. What is your Title, Name and Contact Information?

Arizona	Melissa Boyles, Civil Rights Administrator, mboyles@azdot.gov
Arkansas	James B. Moore, Jr Secton Head EEO/DBE 501-569-2298 or james.moore@arkansashighways.com
Caltrans	Robert Padilla DBE PROGRAM MANAGER 916-324-0449
Idaho	Julie Caldwell EEO Contract Compliance Officer/DBE Prog Admintrator 208 334-8458
Illinois	Deputy Director/Bureau Chief, Carol Lyle, 217/785-7528, email: carol.lyle@illinois.gov
Iowa	Roger Bierbaum Contracts Engineer 515-239-1414
Kansas	Debra Hepp, Program Consultant
Mississippi	Stacy Slay DBE Coordinator 601-359-7934
Nebraska	Joe Kisicki External Civil Rights Coordinator
New Hampshire	David Cloutier DBE Coordinator 603-271-6612 dcloutier2@dot.state.nh.us
New York	Warern Whitlock Director, Office of Civil Rights 518 457 1129
North Carolina	Shelton A. Russell, Director NCDOT Business Opportunity and Workforce Development; sarussell@ncdot.gov; 919.508.1808
North Dakota	Deborah J. Igoe Director, Civil Rights Division 608 Boulevard Avenue, Bismarck, ND 58505-0700 701-328-2576 (office) 701-328-1965 (fax) 701-527--8834 (cell)
Oklahoma	Susan McClune, Assistant Div. Mgr. Civil Rights Division 405-522-1983
Oregon	Jill Miller Small Business Programs Manager ODOT Office of Civil Rights 955 Center St. NE, Room 471 Salem, OR 97301 (503) 986-4355 C.Jill.Miller@ODOT.state.or.us
Puerto Rico	
Rhode Island	Vanessa E.Crum,Esq. Administrator 401-222-3260 X4431 FAX:401-222-6168 vcrum@dot.ri.gov
South Carolina	Gary S. Linn DBE Program and Compliance Supervisor Office of Business Development & Special Programs South Carolina Department of Transportation 955 Park Street, Suite 117 Columbia, SC 29202 803-737-1372 Fax 803-737-2021 LinnGS@scdot.org
South Dakota	Denise Voorhes, DBE Liaison Officer, phone 605-773-4906, fax 605-773-2893, email denise.voorhes@state.sd.us
Texas	Eli Lopez Program Specialist II eli.lopez@txdot.gov
Utah	Tori Gagon, Compliance Specialist, tgagon@utah.gov
Vermont	Lori Valburn Chief of Civil Rights and Labor Compliance Vermont Agency of Transportation One National Life Drive Montpelier, VT 05633-5001 802-828-5561 lori.valburn@state.vt.us
Washington	Jackie Bayne, WSDOT OEO DMWBE Contract Compliance Officer 360 705-7084 BayneJ@wsdot.wa.gov