

OKLAHOMA DBE ADVISORY BOARD

AGENDA

Friday, January 10, 2020

Oklahoma Department of Transportation

200 NE 21st Street

Commission Room B

1:00 pm – 3:00 pm

Oklahoma City, OK 73105

- I. ODOT Director's Report
- II. FHWA Division Administrator's Report
- III. Old Business
 - a. Questions that board members were asked to discuss
 - i. How can the Advisory Board members assist DBE firms?
 - ii. What can the Advisory Board members do for the upcoming DBE conference in February 2020?
 - iii. What is the definition of success? What exactly do DBE firms want out of the program and the Advisory Board?
 - iv. Have there been any concerns from DBE firms?
 - b. Vote on Robyn Healy's seat on board
 - c. Replacement for Mike Wofford
- IV. Requested Agenda Items
 - a. DBE Conference Agenda
 - b. New DBE goal setting committee
 - c. New DBE Disparity Study
 - d. Update on federal report status on condition
 - e. Update on Gilcrease Expressway with list of DBE being utilized by race.
 - f. What is being done by ODOT to increase the utilization of black owned businesses?
 - g. FHWA stance on joint ventures between primes and DBEs.
 - h. How do we initiate a system of mentoring DBE firms?
 - i. Status of call order 100
- V. New Business

a. Time Limit on topics

VI. Next meeting confirmation

VII. Announcements

VIII. Adjourn

Oklahoma DBE Advisory Board Meeting
Notes Friday, January 10, 2020

The following individuals attended the meeting on January 10, 2020, in ODOT's Commission Room B. The meeting was convened at 1:00 pm and adjourned at 3:00 pm.

DBE Firms	ODOT	FHWA
Kristi Bumpas	Kellye Johnson	Basharat Siddiqi
Kevan Parker	Jenny Allen	Steve Duskin
Alma Pickle	Anthony Delce	
Kori Disney	Dawn Sullivan	
Haley Norman		

Observers

- Lee Ann Powell
- Scott Houck
- Dana Todd
- Oklahoma State Representative Regina Goodwin
- Kenneth Black
- Brian Taylor

I. ODOT Director's Report – Presented by Dawn Sullivan

- **Federal Budget has been passed and signed off for projects. (This is separate from the DBE Supportive Services Funding, which has already been received for the DBE Program.)**
- **Legislative session begins February 3, 2020**

II. FHWA Division Administrator's Report – Basharat Siiddiqi

- **Every Day Counts (EDC) Initiative – Solicitation is open for submissions. Basharat will share information to be disseminated to DBEs and Contractors.**
- **Basharat discussed FHWA at the corporate level and the EDC Initiative by USDOT Secretary of Transportation, Elaine Chaos. EDC takes proven market initiatives to improve safety infrastructure. Individuals are encouraged to submit ideas and comments through a posted solicitation that occurs every 2 years. The Deadline for ideas is January 21, 2020. There will be 6 discretionary grant programs at FHWA that may be used to fund capital infrastructure. (Notes attached)**
- **Brian Taylor (ODOT Chief Engineer) discussed \$360 million shelf projects at ODOT when funding becomes available. Some of these projects address deficient roadway shoulders throughout Oklahoma. ODOT has a goal to reduce deficient shoulders by 2.5% annually. This includes adding centerline rumble strips.**

III. Old Business

- The DBE Board members were asked at the October meeting to think of ideas relating to the mission of the Advisory Board and how to move the board forward. After discussion, four points were noted to narrow down the focus of the board. These areas include but are not limited to 1) Underutilization of Black DBEs 2) Good Faith Efforts being posted on a public site after bid award 3) Relationships with contractors and 4) Following federal regulations.
- Robyn Healy requested to remain on the DBE Advisory Board after three absences. Robyn was not in attendance at this meeting, but a board member did 'move' that Robyn's seat become vacant based upon the bylaws. The motion was brought to a vote and motion carried.
- Mike Wofford is no longer a DBE Advisory Board member and his position is also available. There are now two vacancies on the Advisory Board. An announcement of the board vacancies will be made at the 2020 DBE Conference and a follow up email will be sent to all certified DBEs and Board members. The email will explain that there will be a seat for the construction side and one for the consultant side; Interested individuals will need to be nominated through a current DBE Board member. Nominated individuals will need to attend the April DBE Advisory Board meeting where a vote will be held for replacement members.

IV. Requested Agenda Items

- Reminder that the DBE Conference will be held on February 28, 2020, at the NCED Postal Center. As requested, the DBE Advisory Board received the tentative conference agenda on December 6, 2019. No comments on the agenda were received. The final agenda was provided to all attendees at the meeting, which included an addition of guest speakers Irene Rico and Colette Holt. Ms. Rico, Associate Administrator for Civil Rights Federal Highway Administration, will be discussing the DBE Program from the national perspective.
- The agency has awarded Colette Holt & Associates as the consultant to conduct the FFY 2020 DBE Disparity Study. Colette Holt will be attendance at the DBE Conference and will discuss the disparity study.
 - Comments were made that ODOT is spending money on another study when changes were not made after the 2009 Disparity Study.
 - Discussed increasing utilization of black business DBE's.
 - Comments were made that federal regulations allow "set asides" and that ODOT should create programs to address issues of underutilization, such as pulling projects into smaller projects. Steve Duskin clarified that the federal regulations do mention a "set asides" program however only when egregious discrimination has occurred. Steve Duskin mentioned the definition of egregious is not well defined in the federal regulations; however, ODOT has not been found to be in a situation that requires set asides. Steve Duskin will get additional information from the federal government regulations about the definition of egregious.
 - Another member stated that she did not receive contracts because she was a DBE but because she has built relationships and had a business plan.

- Another individual mentioned that ODOT did not have the authority to tell the Primes who to select as long as the Prime is meeting or exceeding their goal.
- Board members requested that “Good Faith Efforts, DBE Form 5” be public information and posted on the ODOT webpage after bid award. Firms would like to know that Primes are submitting when a DBE goal cannot be met. It was discussed that ODOT may be able to post information on “Good Faith Efforts” justifications on projects that have been awarded. It was mentioned that “Good Faith Efforts” have not been submitted on the construction contracts because they have not had a problem meeting DBE goals. ODOT and FHWA will look into this request. This prompted another action item that will be followed up by Steve Duskin.
- Update on Gilcrease Expressway – The contract for the Gilcrease Expressway has not been signed. This is the first time Oklahoma had been involved on a Public Private Partnership. The process is not based on low-bid but rather through a solicitation. ODOT has not reviewed the DBE commitments on this project for the Oklahoma Turnpike Authority. ODOT’s Civil Rights Division will receive the commitments once the contract has been signed.
 - Comments were made that the Prime, AECOM/Duit, committed to a DBE outreach meeting in Tulsa because DBEs had not been selected. Once in the meeting, they announced that they already have their DBE firms. It was stated that Duit also mentioned at the public meeting that trucking from DBE firms would be eliminated as they would handle that work themselves. Several DBE firms were upset that they attended the outreach.
 - Comments were made that Duit is the same Prime Contractor that had issues with DBE firms in 2016 on the Choctaw Road Project, which has led to the FHWA DC Review.
- Jenny Allen discussed the new process for setting DBE goals on the construction side. The agency now has a committee, which includes Civil Right Division, Office Engineer Division and Construction Division. The committee will work together to review and set the DBE goals on each federal project.
 - Comments were made that the Civil Rights Division (alone, without agency input or guidance) should be the one to determine the DBE goal. Concerns were made that Civil Rights Division was part of a committee that included individuals that made DBE goal changes to the Choctaw Road project that caused ODOT to come under federal review. ODOT stated this is a new process and hasn’t been finalized. The group determined that is necessary to monitor and review the DBE goals set on construction projects for the next 6 months to provide feedback on the new process.
- The rest of the requested items in this agenda that were not discussed will be tabled until the next meeting.

V. New Business

- The group discussed setting time limits on the agenda items and open discussion from guests. An action item was created for this. Kellye will email all board member a summary of Robert’s Rule of Order and the board will discuss future meeting methods at the April meeting.

- **The April meeting has been scheduled for April 3, 2020 in the main commission room from 1:00 pm – 3:00 pm**

ATTACHMENT 1

FHWA REPORT

EDC Innovation

- **We are seeking ideas from all sources on proven market ready innovations**
- **That can save lives, improve safety, help environment and or improve public investment in infrastructure.**
- **Deadline for EDC submission is January 21, 2020.**
- Submit your ideas on the EDC call for ideas website_
<https://www.t11wa.dot.gov/innovation/everydaycounts/callforsuggestions/>

ROUTES-

- October, 2019, Secretary Chao announced a new initiative to support the transportation needs of rural America.
- ROUTES - Rural Opportunities to Use Transportation for Economic Success.
- Focus is to support Rural Transportation -
 - **70% of our nation's total lane-miles are in rural areas**
 - **46% of highway fatalities occur on rural roads**
- It will help rural stakeholders better understand how to access DOT grants and financing products, and develop data-driven approaches to meeting transportation needs.
- **6 discretionary grant programs at FHWA may fund capital infrastructure projects to improve the safety, condition, and usage of infrastructure- such as:**
 - Competitive Highway Bridge Rehabilitation
 - Accelerated Innovation Deployment (AID)