



May 20, 2021 – Virtual

Welcome!

DBE Collaboration Technical Assistance Training



Visit us at <https://www.portseattle.org/business/bid-opportunities>

- **Welcome**

Tamaka Thornton (Port of Seattle)

- **Introductions**

Brenda Nnamdi (Sound Transit)

- **How to Operate a Business as a DBE**

Tamaka Thornton

- **Sound Transit – DBE Program Overview**

Lisa Phair and Brenda Nnamdi

- **Washington State Department of Transportation – DBE Program Overview**

Diane Gard

- **Port of Seattle – DBE Program Overview**

Tamaka Thornton

- **Q&A**

Diane Gard

Tamaka Thornton, Disadvantaged Business Enterprise Manager

Thornton.T@portseattle.org



How to Operate a Business as a DBE

Software

- IT Service
- Types of Programs/Platforms (Microsoft Office, Zoom, etc.)

Human Resources

- Workforce (Employees)
- Affirmative Action/EEO

Accounting/Finances

- Payroll & Certified Payroll (Certified required for Federal contracting projects over \$2,000)
- Taxes

Legal

- Attorney (on retainer or available-business/subject matter expertise)
- 49 CFR Part 26 (DBE Program Rules, Regulations)

Insurance

- Professional (Type and cost depends on business)

Safety/OSHA

- Employees (especially craft/laborers), Managers, etc.
- 10 Hour OSHA Safety minimum



ALL THESE PIECES ARE NEEDED TO FIT IN ORDER FOR YOUR BUSINESS TO OPERATE AS AN EFFECTIVE DBE

Economic Development

Office of Civil Rights, Equity & Inclusion

5/20/2021

Office of Civil Rights, Equity & Inclusion

Vision

Where all Sound Transit employees, passengers and the community feel welcomed, are connected to what they need and have equitable access to opportunities, programs & services.

Mission

To advance civil rights, equity and inclusion for our employees, passengers and the community.



Goals

DBE goals

Sound Transit requires federal DBE certification through the Office of Minority and Women's Business Enterprises (OMWBE). A DBE is a for-profit small business that is at least 51% owned by individuals who are socially and economically disadvantaged.

Small Business goals

Businesses must meet the Small Business Administration's small business size standards and be below \$26.29 million in gross receipts over the last five years.

Disadvantaged Business Enterprise (DBE) Program

Objectives

- Create a level playing field so that DBEs can compete fairly
- Ensure nondiscrimination
- Help to remove barriers
- Ensure regulatory monitoring, compliance and enforcement
- Promoting the use of all types of DBEs

Sound Transit Contract Requirements

- *Performing DBE Commercially Useful Function (CUF) reviews on projects*
- *Monthly payment reporting in the Diversity Management System (a.k.a. B2GNow)*
- *5-day prompt payment requirement*

Sound Transit's Overall DBE Goal

Federal Fiscal Year 2018-2020 Agency Goal: 16.1%

- Attainment - 19.29%

Federal Fiscal Year 2021-2022 Goal: 16.39%

- 9.39% race/gender conscious means
- 7% race/gender neutral means

Leveling the playing field

- *The time to build DBE/SB capacity is now!*
- **Technical Assistance:**
 - USDOT Small Business Transportation Resource Center - Northwest Region
 - Minority Business Development Agency - Tacoma Business Center
- **Capacity Building Mentoring Program**
 - Partnership with the Washington State Department of Transportation (WSDOT)

Sound Transit's Small Capital Projects

Provides the agency with an avenue to accomplish ongoing public works projects through several different procurement types based on dollar thresholds and other factors.

Dollar threshold for various procurement methods

Under \$50,000	\$50,000-\$350,000	\$350,000-\$500,000	\$500,000-\$2M	\$2M and above
<ul style="list-style-type: none">• Limited Public Works (LPW)• Job Order Contracting Work Order (JOC WO)	<ul style="list-style-type: none">• Small Works Roster (SWR)• JOC WO	<ul style="list-style-type: none">• Invitation for Bid (IFB)• JOC WO	<ul style="list-style-type: none">• IFB• General Contractor/Construction Manager (GC/CM)	<ul style="list-style-type: none">• IFB• GC/CM• Design-Build (DB)

Upcoming and active procurement opportunities

Bi-Weekly Procurement Snapshot



Procurement Snapshot

Current Snapshot of Active and Immediate Future Procurements (Future dates are estimated)

DESIGN & CONSTRUCTION

Architecture and Engineering

Procurement Title	Department	Solicitation	Pre-Bid Meeting	Submittal Due	Contract Award
Bus Base North DBPM	DECM	11/07/2019	11/18/2019	12/20/2019	July 2021
On Call Link Light Rail Bridge and Tunnel Inspection Services	OPS	03/17/2021	NA	04/14/2021	June 2021
Residential Sound Insulation Program for Lynnwood Link Extension and East Link Extension	DECM	04/08/2021	4/13/2021	05/07/2021	August 2021
F210 FWLE Traffic Mitigation Final Design Services	DECM	04/27/2021	05/04/2021	05/28/2021	September 2021

Construction

Procurement Title	Department	Solicitation	Pre-Bid Meeting	Submittal Due	Contract Award
E 135 Mercer Island Transit Integration	DECM	01/11/2021	1/14/2021	02/10/2021	June 2021
Columbia City Link Station Warning Tile Replacement	OPS	04/14/2021	4/23/21	05/21/2021	June 2021
SeaTac Airport Station Platform Fall Protection	OPS	05/07/2021	5/14/2021	06/04/2021	July 2021

GC/CM Subcontracts procured by Sound Transit

Procurement Title	Prime Contractor / Bidder	Scope	Solicitation	Pre-Bid Meeting	Submittal Due	Contract Award
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Procurement links

- **Biddingo - <http://vendorportal.soundtransit.org>**
- **Small Works Roster - <https://mrscrosters.org>**
- **SoundTransit.org - [Doing Business With Us](#)**
- **Current Snapshot of Active and Immediate Future Procurements (Future dates are estimated) - [Procurement Snapshot](#)**

Contact Us – Economic Development

CivilrightsDBE@soundtransit.org



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206-822-9503



Jacki Doty
Sr. Small Business Program Specialist
jacki.doty@soundtransit.org
206-553-3988



Mike Johnson
Small Business Program Specialist
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206-689-3325

Contact information & resource links

Reach us at:

- [***CivilrightsDBE@soundtransit.org***](mailto:CivilrightsDBE@soundtransit.org)

Resources:

- [***2021-2022 Sound Transit DBE Goal & Methodology***](#)
- [***Washington State Office of Minority & Women's Business Enterprises***](#)
- [***King County Small Contractors and Suppliers Program***](#)
- [***Small Business Resource Guide***](#)
- [***Capacity Building Mentorship Program***](#)

Thank you.



 *soundtransit.org*



Public Works Contracting with the Washington State Department of Transportation



Roger Millar, Secretary of Transportation

Keith Metcalf, Deputy Secretary of Transportation

Public Works Contracts

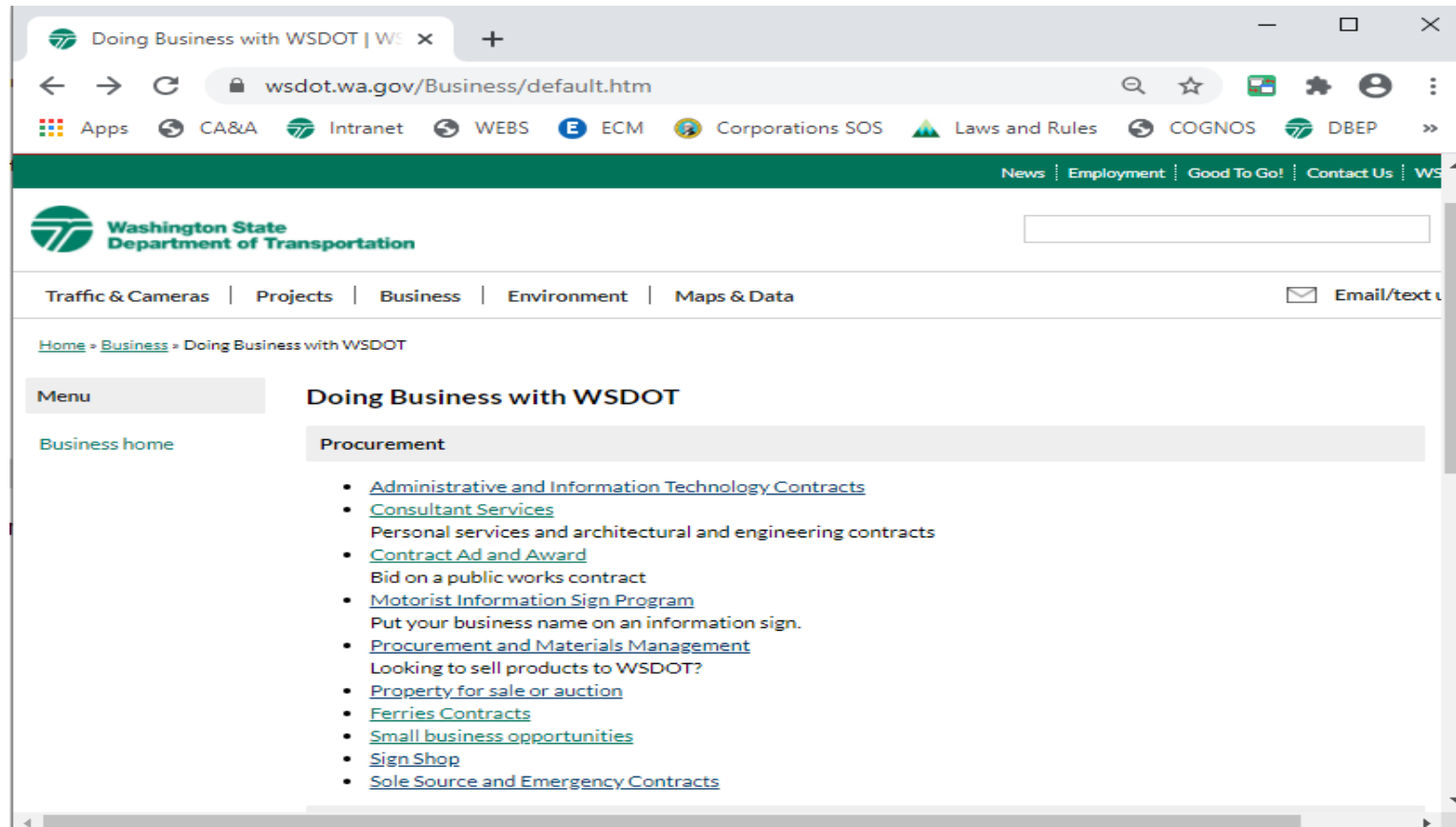
- HIGHWAYS
- BRIDGES
- MARINE
- RAIL
- REST AREAS
- FACILITIES
- TUNNELS
- FERRY TERMINALS
- RESURFACING
- SIGNING
- REHABILITATION
- PAINTING
- NEW
- CONSTRUCTION
- STRIPING &
- MARKING
- SLOPE
- STABILIZATION
- ADA
- IMPROVEMENTS
- FISH BARRIER
- REMOVAL
- SAFETY
- IMPROVEMENTS

Roles

- PRIME CONTRACTOR
- DESIGN-BUILDER
- SUBCONTRACTOR
- SUPPLIER
- VENDOR
- MANUFACTURER
- DESIGNER
- CONSULTANT
- OTHERS

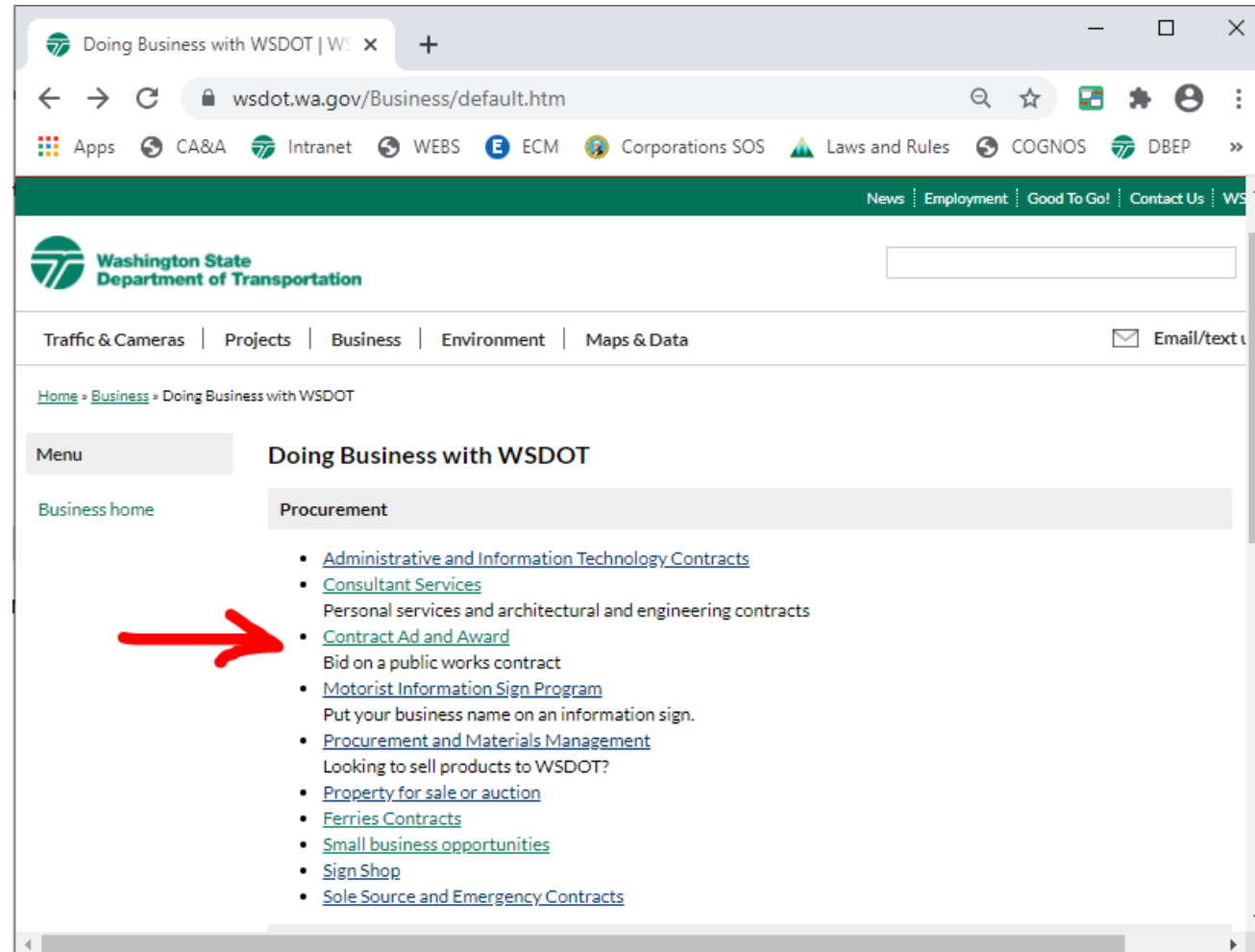
Doing Business

<https://wsdot.wa.gov/Business/default.htm>



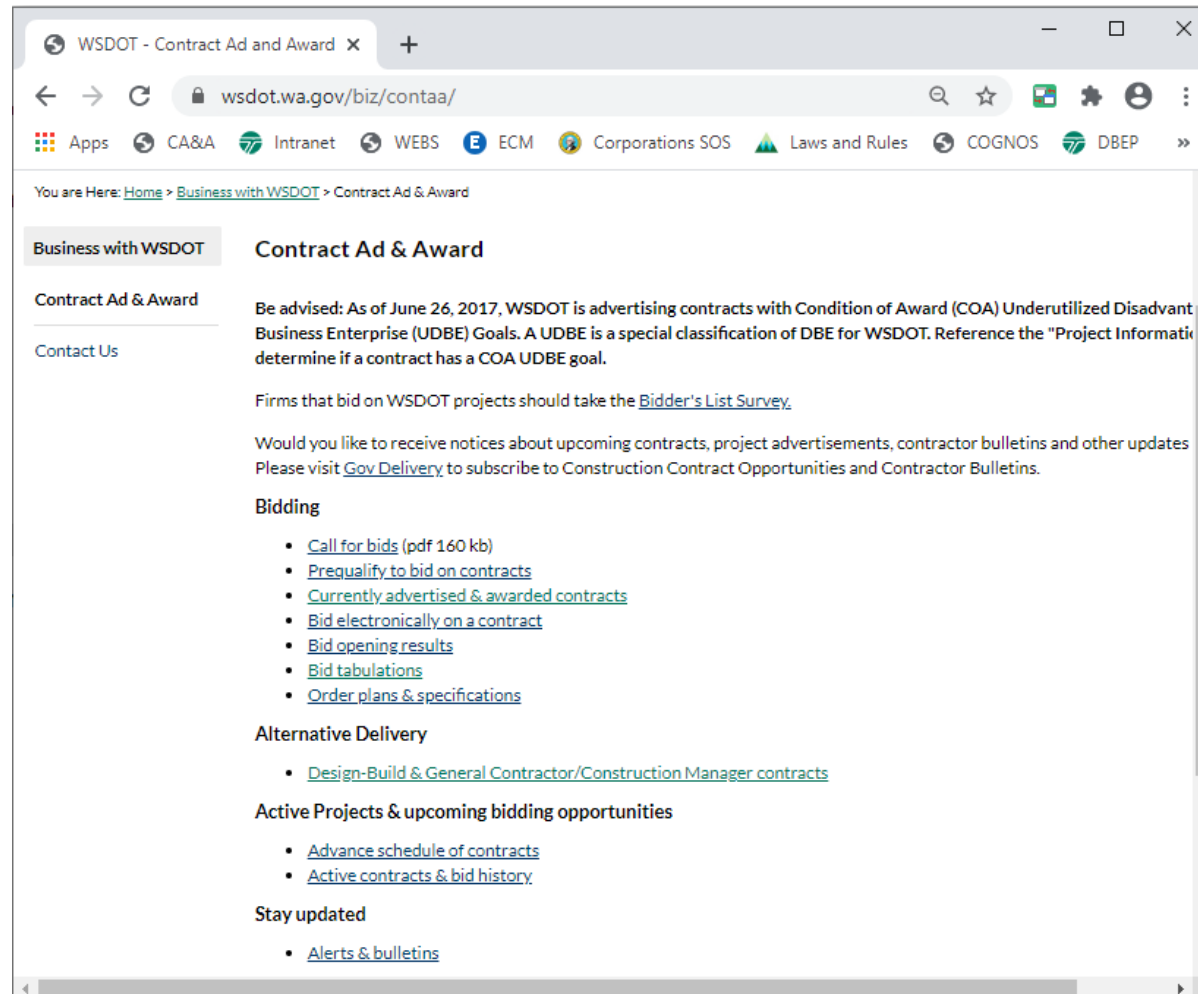
Today's Session

<https://wsdot.wa.gov/biz/contaa/>



Today's Session

<https://wsdot.wa.gov/biz/contaa/>



Call For Bids

<https://www.wsdot.wa.gov/biz/contaa/AD.pdf>

State of Washington, Thurston County

State of Washington

July 9, 2018
NOTICE TO CONTRACTORS
HIGHWAY CONSTRUCTION

Bidding proposals may not be issued to bidders unless they are prequalified, except where otherwise provided in Plans and Specifications. For those contractors who are not prequalified, application for prequalification will be submitted on DOT Form 420-010 (Standard Questionnaire and Financial Statement) and must be received by the Prequalification Analyst no less than fifteen days prior to the scheduled bid opening to receive consideration for issuance of a bidding proposal for that bid opening. Informational copies of plans and specifications are on file in the office of the County Engineer of the County in which the work is situated, the chapter offices of the Associated General Contractors of America, the offices of the Regional Administrators or the Headquarters of the Department of Transportation, and at www.wsdot.wa.gov/biz/contaa/ where they may be inspected. The use of informational proposals shall be allowed only upon written request and will be accepted only when written authority for their use has been granted. **ESTIMATE RANGES PUBLISHED IN THIS NOTICE MUST NOT BE USED AS A BASIS FOR BID PREPARATION.**

All bid proposals shall be accompanied by a bid proposal deposit in cash, certified check, cashier's check or surety bond in an amount equal to five percent (5%) of the amount of such bid proposal. Should the successful bidder fail to enter into a contract and furnish a satisfactory performance bond, the bid proposal deposit shall be forfeited. Bonds submitted on other than the bond form provided by the department

electronically via BidX.com until 11:00:59 am Pacific Time, on the dates shown below except where otherwise provided in the Plans and Specifications.

FEE: Project Documents will be furnished for the non-refundable fee Plus Sales Tax of:

Electronic – plans only \$10
Electronic – with proposal \$15
Paper – one volume \$35 Paper
– two volumes \$50 Paper – three volumes \$100

(Remittance may be made to the Department of Transportation Cash Receipts, Transportation Building, and P.O. Box 47305, Olympia, WA 98504-7305) TO ORDER PLANS AND SPECIFICATIONS PLEASE GO ONLINE TO: <https://www.wsdot.wa.gov/business/contract-ad-award/order-plans>

Electronic Project Plans, Specifications, Geotechnical Reports, Addenda, Planholders Lists, Award/Bid Results, and Bid Tabulations are available on the Internet at: <http://www.wsdot.wa.gov/biz/contaa>

SMALL WORKS ROSTER:
The Department of Transportation is soliciting contractors interested in qualifying for placement on the department's Small Works Roster. The small works roster process as authorized by RCW 39.04.155 and WAC 468-15 may be used to secure bids for the Agency's small works projects with a total cost less than \$300,000.

Contractors that are currently Prequalified may be placed on the Small Works Roster by completing the Small Works Roster Supplement located on the Contract Ad & Award website. For contractors who are not currently prequalified, application for prequalification for small works roster shall be submitted on DOT Form 420-020 (Small Works Questionnaire). Both forms are available by emailing prequal@wsdot.wa.gov or can be printed from the WSDOT Contract Ad & Award website at: <http://www.wsdot.wa.gov/biz/contaa/contract-ad-award/>

from participation in, be denied the benefits of, or be otherwise discriminated against under any of its federally funded programs and activities. Any person who believes his/her Title VI protection has been violated, may file a complaint with WSDOT's Office of Equal Opportunity (OEO). For

walls, paving, utilities, landscaping, demolition of existing ferry terminal facility, traffic control and other work. 525 Working days. Involves 411 items. CONTAINS MANDATORY BID AMOUNT: TYPE C PROGRESS SCH & SCH UPDATE. ALTERNATE A: Construct fishing pier.

Microsoft Word - AD.docx

wsdot.wa.gov/biz/contaa/AD.pdf

Apps CA&A Intranet WEBS ECM Corporations SOS Laws and Rules COGNOS DBEP

Washington State Department of Transportation

**NOTICE TO CONTRACTORS
HIGHWAY CONSTRUCTION**

November 16, 2020

Bidding proposals may not be issued to bidders unless they are prequalified, except where otherwise provided in Plans and Specifications. For those contractors who are not prequalified, application for prequalification will be submitted on DOT Form 420-010 (Standard Questionnaire and Financial Statement) and must be received by the Prequalification Analyst no less than fifteen days prior to the scheduled bid opening to receive consideration for issuance of a bidding proposal for that bid opening. Informational copies of plans and specifications are on file in the office of the County Engineer of the County in which the work is situated, the chapter offices of the Associated General Contractors of America, the offices of the Regional Administrators or the Headquarters of the Department of Transportation, and at www.wsdot.wa.gov/biz/contaa/ where they may be inspected. The use of informational proposals shall be allowed only upon written request and will be accepted only when written authority for their use has been granted. **ESTIMATE RANGES PUBLISHED IN THIS NOTICE MUST NOT BE USED AS A BASIS FOR BID PREPARATION.**

All bid proposals shall be accompanied by a bid proposal deposit in cash, certified check, cashier's check or surety bond in an amount equal to five percent (5%) of the amount of such bid proposal. Should the successful bidder fail to

Prequalification

<https://www.wsdot.wa.gov/biz/contaa/prequal/default.htm>

Prequalification ensures that our bidders can do the job

Work Experience

- Based on completed contracts.
- Project owners rate contractors using a form.
- Project total is broken out into “classes of work.”
- Only work self-performed can be used.
- Only work that is standard or above will count (no marginal comments).

Financial Resources

- Updated each year.
- Based on audited or reviewed financial statement.
- Net worth is multiplied by a factor based on the number of successfully completed past projects.



Small Works Roster

<https://www.wsdot.wa.gov/biz/contaa/prequal/default.htm>

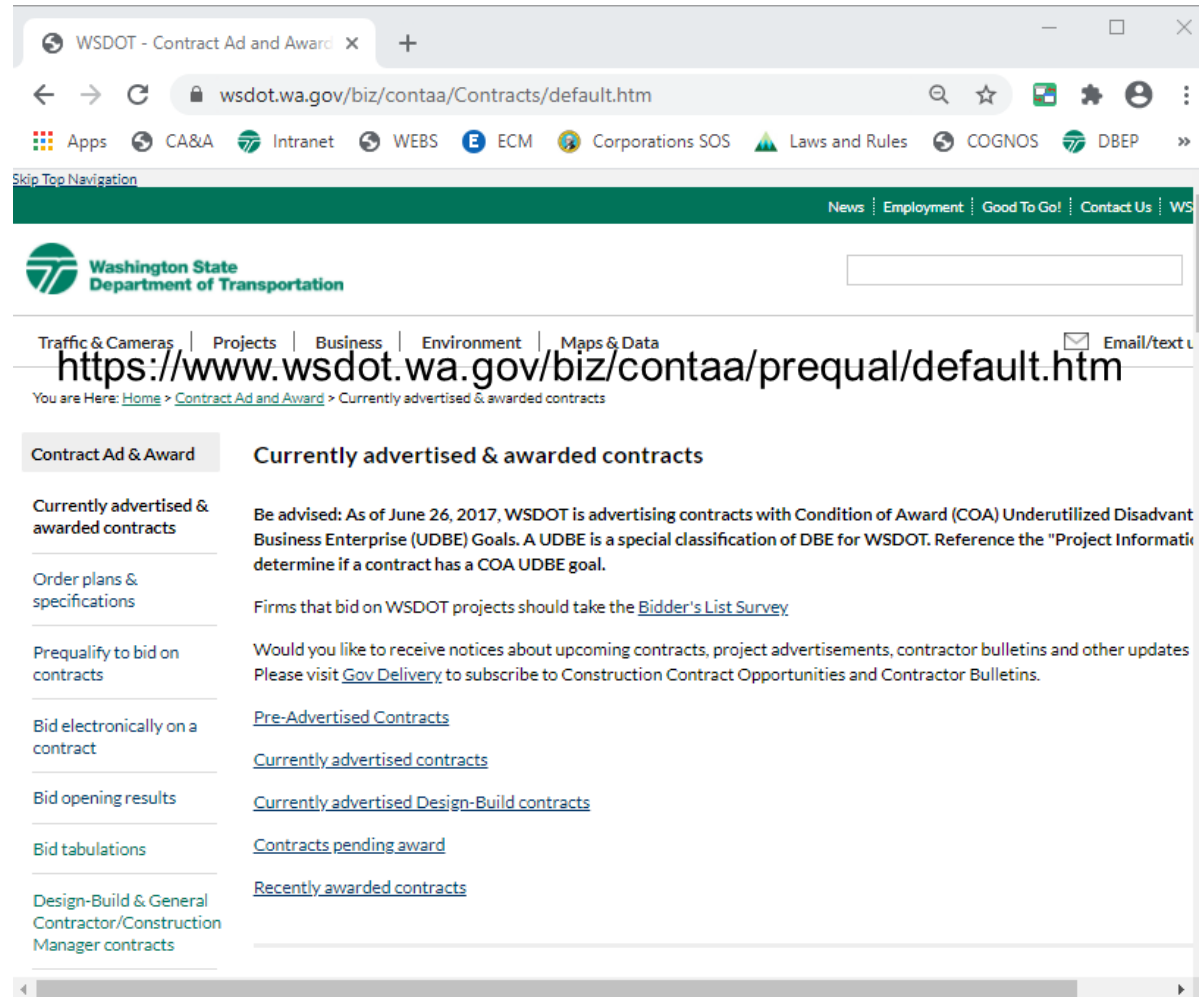
Qualifying for the Small Works Roster does not require submittal of a financial statement.



- Limited to projects estimated at \$350,000 or less
- Only those on the roster receive notice
- A good way for smaller contractors to start doing business with WSDOT

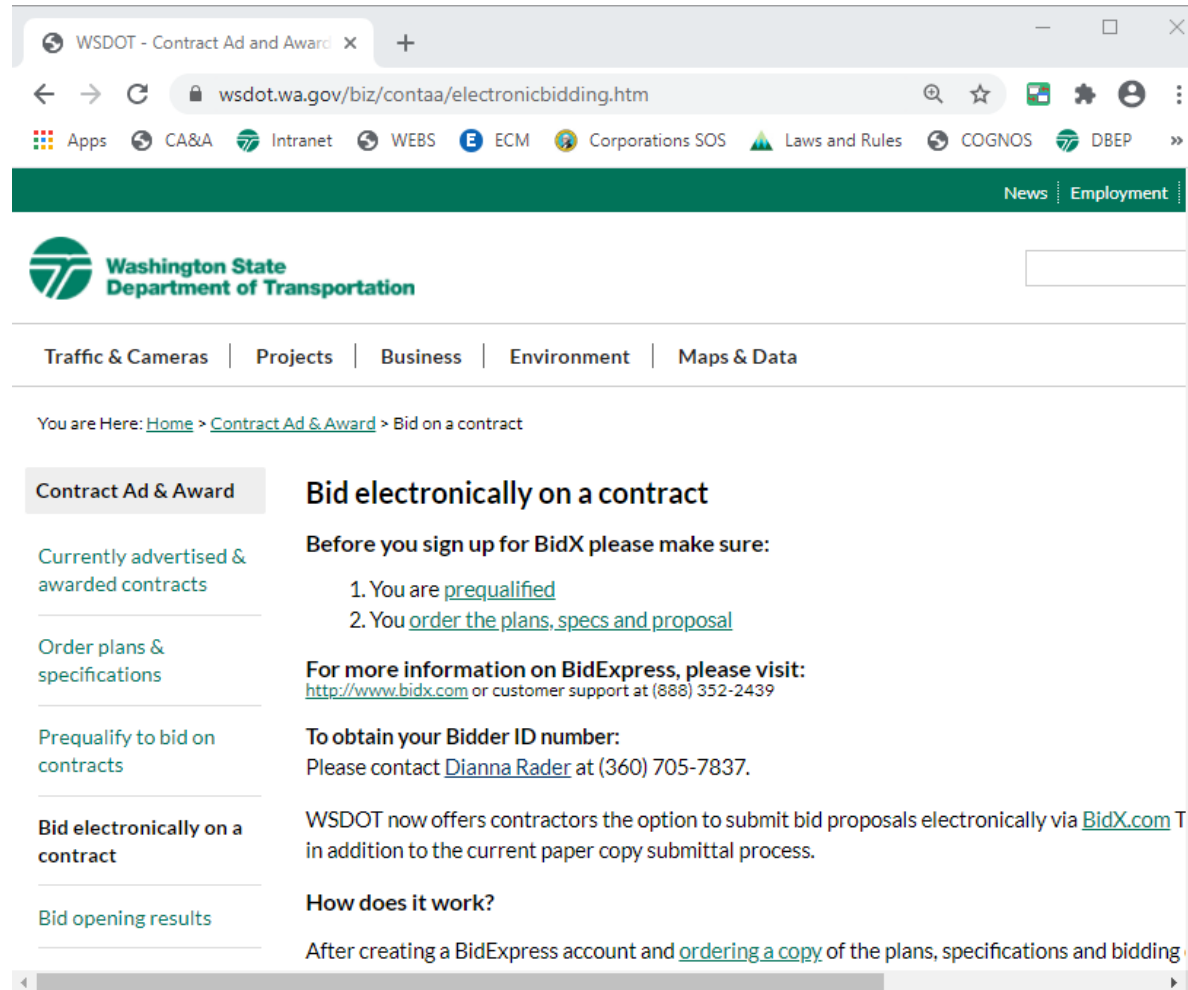
Project Information

<https://wsdot.wa.gov/biz/contaa/Contracts/default.htm>



Electronic Bidding

<https://www.wsdot.wa.gov/biz/contaa/electronicbidding.htm>



The screenshot shows a web browser window with the URL [wsdot.wa.gov/biz/contaa/electronicbidding.htm](https://www.wsdot.wa.gov/biz/contaa/electronicbidding.htm). The page header includes the Washington State Department of Transportation logo and a navigation menu with links like Traffic & Cameras, Projects, Business, Environment, and Maps & Data. A breadcrumb trail indicates the user is on the 'Contract Ad & Award' page. The main content area is titled 'Bid electronically on a contract' and provides instructions for signing up for BidX, including links for prequalification, ordering plans, and obtaining a Bidder ID number. A sidebar on the left contains links for 'Contract Ad & Award', 'Currently advertised & awarded contracts', 'Order plans & specifications', 'Prequalify to bid on contracts', 'Bid electronically on a contract', and 'Bid opening results'.

WSDOT - Contract Ad and Award x

wsdot.wa.gov/biz/contaa/electronicbidding.htm

Apps CA&A Intranet WEBS ECM Corporations SOS Laws and Rules COGNOS DBEP

News Employment

Washington State Department of Transportation

Traffic & Cameras | Projects | Business | Environment | Maps & Data

You are Here: [Home](#) > [Contract Ad & Award](#) > Bid on a contract

Contract Ad & Award

[Currently advertised & awarded contracts](#)

[Order plans & specifications](#)

[Prequalify to bid on contracts](#)

Bid electronically on a contract

[Bid opening results](#)

Bid electronically on a contract

Before you sign up for BidX please make sure:

1. You are [prequalified](#)
2. You [order the plans, specs and proposal](#)

For more information on BidExpress, please visit: <http://www.bidx.com> or customer support at (888) 352-2439

To obtain your Bidder ID number:
Please contact [Dianna Rader](#) at (360) 705-7837.

WSDOT now offers contractors the option to submit bid proposals electronically via [BidX.com](#) T in addition to the current paper copy submittal process.

How does it work?

After creating a BidExpress account and [ordering a copy](#) of the plans, specifications and bidding

Bid Results

<https://www.wsdot.wa.gov/biz/contaa/BidOpening/default.htm>

The screenshot shows a web browser window with the URL [wsdot.wa.gov/biz/contaa/BidOpening/default.htm](https://www.wsdot.wa.gov/biz/contaa/BidOpening/default.htm). The page features the WSDOT logo and a navigation menu with links to News, Employment, Traffic & Cameras, Projects, Business, Environment, and Maps & Data. A breadcrumb trail indicates the current location: Home > Contract Ad and Award > Bid Opening Results. On the left, a sidebar lists links for Contract Ad & Award, Currently advertised & awarded contracts, Order plans & specifications, Prequalify to bid on contracts, Bid electronically on a contract, and Bid opening results. The main content area is titled "Bid opening results" and includes a disclaimer, a note about changes to bid amounts, and a list of bid opening dates. The first date listed is November 4, 2020.

WSDOT - Contract Ad and Award x +

wsdot.wa.gov/biz/contaa/BidOpening/default.htm

Apps CA&A Intranet WEBS ECM Corporations SOS Laws and Rules COGNOS DBEP

News Employment

Washington State Department of Transportation

Traffic & Cameras Projects Business Environment Maps & Data

You are Here: [Home](#) > [Contract Ad and Award](#) > Bid Opening Results

Contract Ad & Award

Currently advertised & awarded contracts

Order plans & specifications

Prequalify to bid on contracts

Bid electronically on a contract

Bid opening results

Bid opening results

Disclaimer: Preliminary Bid Results are provided as a convenience to contractors for information reference only as bids are manually reviewed for mathematical accuracy.

If a change has been made to a contractors bid amount or bid position after review, it will be mar

Bids open at 11:01 AM, on the date set forth in the project specifications:

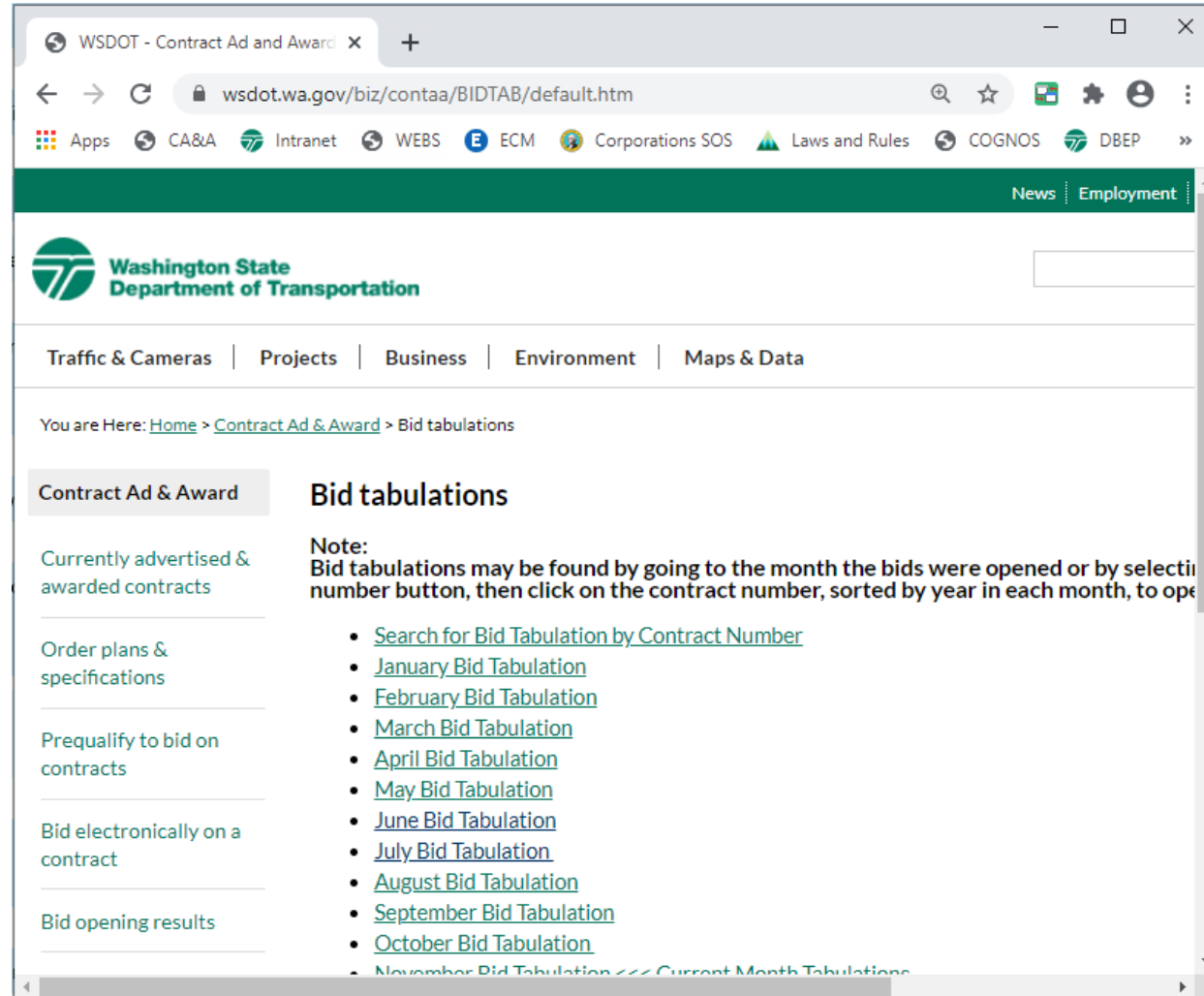
- Preliminary Bid amount total: (the numbers read publicly directly from submitted bids du immediately after the close of bid opening.
- Verified Bid amount total: subcontractor and DBE information will be posted as it become
- DBE Enterprise Utilization Certification review conducted by the [Office of Equal Opportu](#)

Search By Bid Opening Date:

- [November 4, 2020](#)

Bid Tabulations

<https://www.wsdot.wa.gov/biz/contaa/BIDTAB/default.htm>



Design-Build Contracts

<https://www.wsdot.wa.gov/biz/contaa/ProjectContracts/DESIGNBUILDCONTRACTS/default.htm>

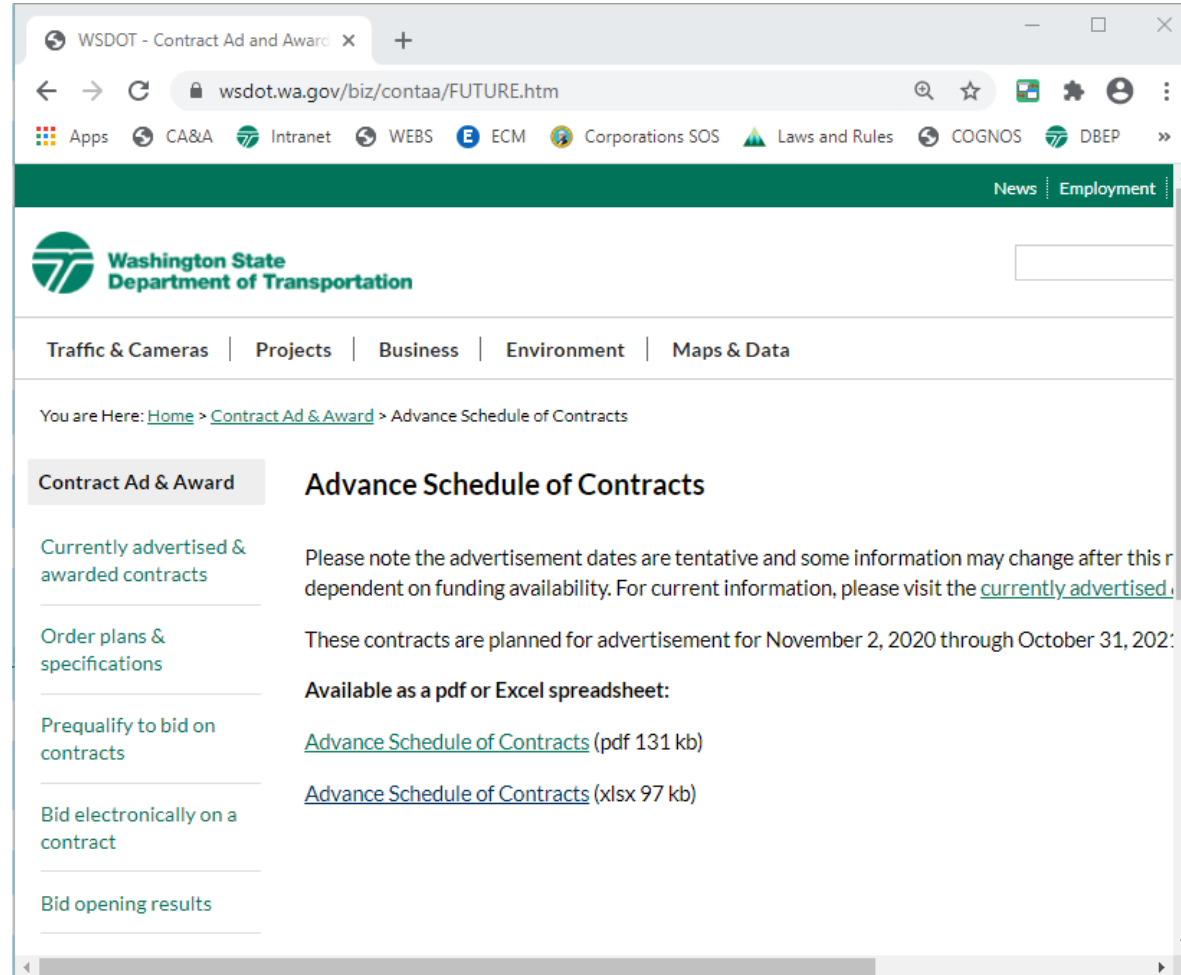
The screenshot displays the WSDOT website's 'Design-Build Projects' page. The browser address bar shows the URL: [wsdot.wa.gov/biz/contaa/ProjectContracts/DESIGNBUILDCONTRACTS/default.htm](https://www.wsdot.wa.gov/biz/contaa/ProjectContracts/DESIGNBUILDCONTRACTS/default.htm). The page features a green header with the WSDOT logo and navigation links for 'News' and 'Employment'. Below the header, a horizontal menu includes 'Traffic & Cameras', 'Projects', 'Business', 'Environment', and 'Maps & Data'. A breadcrumb trail indicates the current location: 'You are Here: [Home](#) > [Business with WSDOT](#) > [Contract Ad and Award](#) > Design-Build Projects'. On the left, a sidebar titled 'Contract Ad & Award' contains links for 'Design-Build & General Contractor/Construction Manager contracts' and 'Contact Us'. The main content area, titled 'Design-Build Projects', lists 13 specific contracts with their details and links to their respective pages.

Design-Build Projects

- [Contract 7999 - Alaskan Way Viaduct SR 99 Bored Tunnel Alternative Design-Build Project](#)
- [Contract 7963 - SR 520, Medina to SR 202: Eastside Transit and HOV Project Design-Build](#)
- [Contract 8066 - SR 520, Evergreen Point Floating Bridge and Landings Project](#)
- [Contract 8204 - I-405, NE 6th St to I-5 Widening and Express Toll Lanes](#)
- [Contract 8400 - SR 92 and I 90 Intersection Improvements & Regionwide Roadside Safety](#)
- [Contract 8513 - SR 167 Puyallup River Bridge - Bridge Replacement](#)
- [Contract 8560 - SR 9 / 32nd St SE & 84th St NE - Safety Improvement](#)
- [Contract 8665 - SR 167 / 8th St E Vic to S 277th St Vic - Southbound HOT Lane Project](#)
- [Contract 8811 - I-405 / SR 167 Interchange Direct Connector Project](#)
- [Contract 8818 - I-5, SR 16 Interchange - Construction HOV Connections](#)
- [Contract 8823 - Euclid Ave Administration Facility Consolidation Project](#)
- [Contract 8952 - I-5 NB MLK Jr Way to NE Ravenna Br-Pavement Repair & More](#)
- [Contract 8991 - I-5 Chamber Way Bridge - Repair and Replacement Project](#)

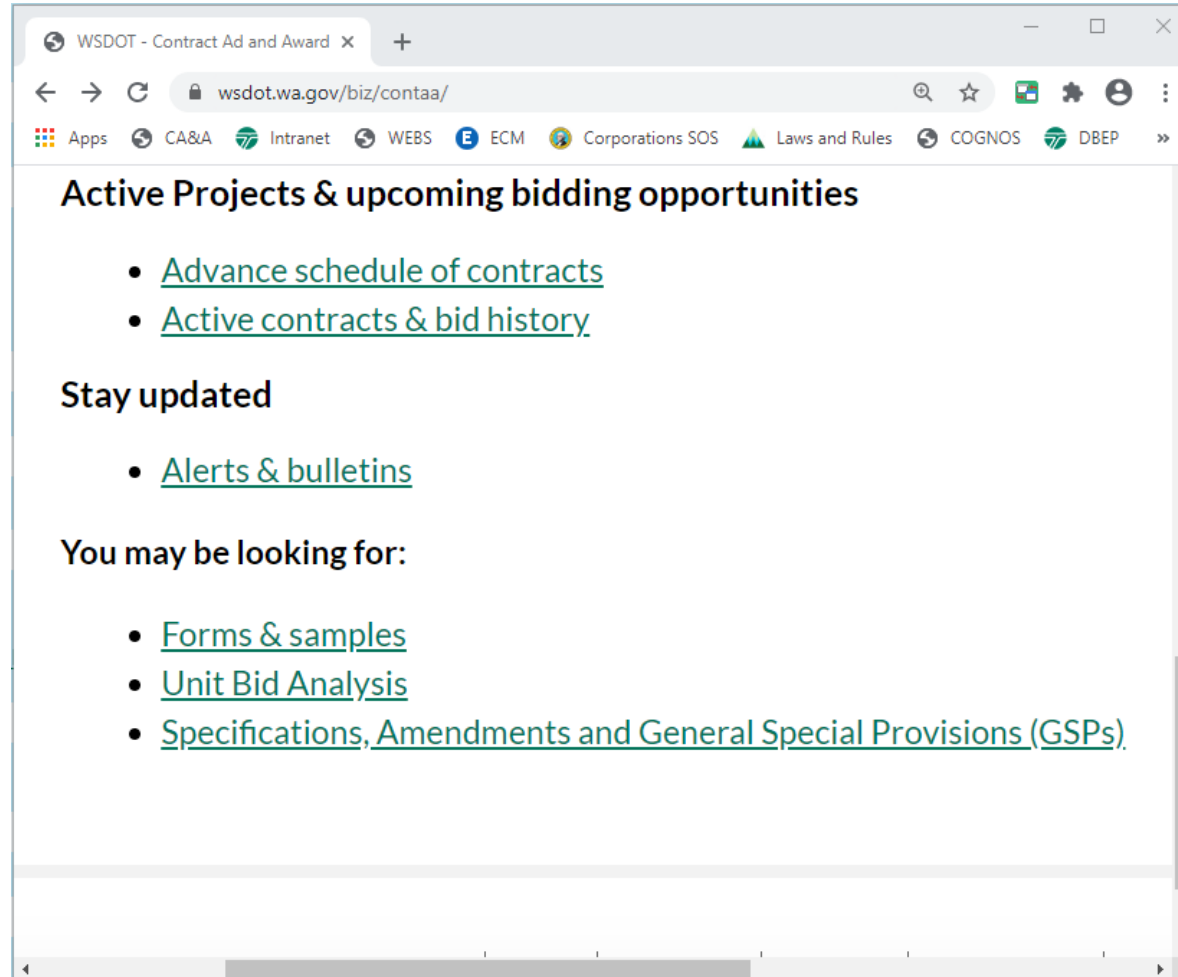
Upcoming Contracts

<https://www.wsdot.wa.gov/biz/contaa/FUTURE.htm>



Other Items

<https://www.wsdot.wa.gov/biz/contaa/>



Q&A

Questions?



Contact Information

- **Jenna Fettig, Manager**
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Fax: (360) 705-6810
Email: FettigJ@wsdot.wa.gov
- **Dianna Rader, Prequalification**
Phone: (360) 705-7837
Fax: (360) 705-6966
Email: RaderD@wsdot.wa.gov Email: Prequal@wsdot.wa.gov
- **Main Office**
Phone: (360) 705-7835
Fax: (360) 705-6810
Email: CAA@wsdot.wa.gov

Tamaka Thornton, Disadvantaged Business Enterprise Manager

Thornton.T@portseattle.org



- DBE Program Overview
- DBE Participation Program Requirements
 - Certification/NAICS Code
 - Good Faith Effort (GFE)
 - Types of Participation
 - Contract Language
 - Commercially Useful Function
 - Prompt Pay
 - Trucking
- DBE Reporting Requirements
 - Certified Payroll
 - Monthly Payments to CDS & MAPS (Internal to Port of Seattle)
 - EEO
- Resources

Diversity in Contracting – DBE Program

Disadvantaged Business Enterprise Program (DBE)

DBE program is intended to remedy past and current discrimination against disadvantaged business enterprises, to ensure a "level playing field" and foster equal opportunity in DOT-assisted contracts

Guiding Document: 49 CFR Part 26

Contract Goal Type: Mandatory DBE

Prime Requirements: DBE Subcontracting Plan (at bid time), Good Faith Efforts (submit at bid - through contract life), Contract Compliance (through contract life).

Contract Types: A/E and Construction

Dollar Value: Over \$1 Million Airport/Airfield Focused – **FAA funded and/or Federal funded grants**

Certification: Certified DBE at time of bid

Bonding/Insurance – Required (i.e. Exceptions or reduced amounts-case by case basis)

Retainage – Not Applicable

Appeals Process: DBE Liaison Officer (Decision Maker) - Accept or Deny if DBE Goal not met at Bid Submission)

- Must be certified as a DBE in the State of Washington from the Office of Minority, Women and Business Enterprise (OMWBE)
- **NAICS Code in which firm received certification –must match scope description on subcontracting plan and/or contract awarded**
- If a request for substitution/termination occurs and is granted, the replacement DBE firm needs to have the same NAICS code/scope of work as the original DBE firm in order to meet the DBE participation goal.

Good Faith Effort(GFE):

“An implied contractual term and it is defined as "what a reasonable person would determine is a diligent and honest effort under the same set of facts or circumstances.".

(49 CFR 26.53[a])

- Good Faith Efforts Form and DBE Proposal form **must be submitted at time of bid** showing DBE firms solicited and the responses
- Ensure lower Tier Subcontractors Satisfy GFE Requirements
- **Good Faith Efforts documentation is required to ensure that the Primes, Subs and Owner-Agency are complying with the DBE rules/regulations.**

Types of Participation

Subcontracting (furnish and install) – 100%

- Furnish and install materials; provides labor

Manufacturing/Fabricating – 100%

- Altering raw materials (e.g. structural steel)

Material Supply /Regular Dealer– 60%

- Must be part of regular inventory
- If bulk item (e.g. pipe), must regularly provide item and own or long-term lease distribution equipment (e.g. flatbed truck)

Trucking – 100%

- Trucking firm is owned/operated by DBE and utilizes firm's trucks only
- Owns and operates as least one truck plus employs driver, subcontracts other trucking service to DBE firm.

Manufacturer's Representative/Broker –

- ***Commission or Fee (Must submit copies/documentation showing price/markup)***

Federal laws and regulations require that an sponsor (a recipient of federal assistance) include specific clauses in certain contracts, solicitations, or specifications regardless of whether or not the project is federally funded.

- The term **sponsor** is used in this document to mean either an obligated sponsor on a project that is not federally funded, or a sponsor on an AIP funded project.
- The term **Owner** is generally used in the solicitation or contract clauses because of its common use in public contracts.
- An Owner becomes an obligated sponsor upon acceptance of the Airport Improvement Program (AIP) grant assurances associated with current or prior AIP grant funded projects.
- For purposes of determining requirements for contract provisions, the term **contract** includes subcontracts and supplier contracts such as purchase orders.
- For purpose of remaining compliant with its obligations, a sponsor must incorporate applicable contract provisions in all its procurements and contract documents. Unless otherwise stated, these provisions flow down to subcontracts and sub-tier agreements.
 - **Note: Not incorporate the entire contract provisions guidelines in its solicitation or contract documents, whether by reference or by inclusion in whole, could result in the following: A sponsor that fails to properly incorporate applicable contract clauses may place themselves at risk for audit findings or denial of Federal funding.**

Contract Provisions

- Affirmative Action Requirement
- Breach of Contract
- Buy American Preferences
- Civil Rights – General
- Civil Rights - Title VI Assurances
- (1) Notice - Solicitation
- (2) Clause - Contracts
- Clean Air/Water Pollution Control
- Copeland Anti-Kickback
- Contract Work Hours and Safety Standards
- Davis Bacon Requirements
- Debarment and Suspension
- Equal Employment Opportunity
- (1) EEO Contract Clause
- Federal Fair Labor Standards Act
- Foreign Trade Restriction
- Lobbying Federal Employees
- Occupational Safety and Health Act
- Veteran's Preference

Commercially Useful Function:

“Firm is responsible for the execution of the work of a contract or a distinct element of the work . . . by actually performing, managing, and supervising the work involved.” (49 CFR 26.55[c])

- DBE must perform at least 30% of work with its own workforce
- DBE firms must own or lease trucks and equipment it uses; leases from Primes are not countable unless the Prime firm is a DBE
- Involves Fraud Detection

Commercially Useful Function Elements

All five (5) elements should be reviewed to determine whether the DBE firm is performing a commercially useful function.

- In order for DBE participation to count toward the goal, it is the responsibility of the Agency, Prime, and DBE Firm to know with certain that the DBE firm is indeed performing the scope of work contracted, by conducting a CUF visit.
- A DBE firm MUST meet all five elements in order to be CUF compliant. A CUF Failure means no work performed will count toward the goal. There are some exceptions.
- Conduct CUF's within 30- 60days of starting work (i.e. speciality-1st time on site)

1. Management and Supervision
2. Workforce
3. Equipment
4. Materials and Supplies
5. Performance

Applies to ALL Federal contracts and subcontractors (DBE & non-DBE alike)

- Payment required to subcontractor firms for satisfactory completion and acceptance of work.
- Implement Appropriate Mechanisms to Ensure Compliance by All Program Participants
- Ensure work performed by DBE's as indicated in DBE Participation/Subcontracting plan is **paid to DBE firm only**
- **Port of Seattle's Prompt pay clause requires, payment to all subcontractor(s), supplier(s), etc. no later than 10 days upon receiving payment from the Port (i.e. barring no compliance issues)**
- Each project's assigned Contract Administrator submits Pay Estimate for payment after reviewing all contract compliance requirements are met (i.e. Electronic Payroll, Certified Payroll, Apprenticeship Participation/Utilization, Updated Monthly Amounts Paid to all subs)

- The Davis Bacon Act (Davis Bacon, or DBA) was passed by Congress [during the Great Depression](#) to protect workers from low pay due to intense competition for public works projects.

What is certified payroll reporting?

Davis Bacon requires contractors who win a bid on a federally-funded construction contract over \$2,000 to pay their laborers the local prevailing wage and fringe benefits for their work, and to complete a certified payroll report for those employees.

- Certified payroll is a federal form WH-347, submitted weekly to the agency overseeing a government contract.
 - The form lists every employee, their **wages**, the benefits they're entitled to, the type of work they did, and the hours they worked. It shows withholdings and gross **wages** and includes a statement of compliance.
- The primary purpose is to provide the government with a method of oversight to guarantee that its contractors compensate employees "prevailing **wages**" in accordance with **requirements**.

- A DBE need not provide all the trucks on a contract to receive credit for transportation services, but it must control the entire trucking operations for which it seeks credit (49 CRF 26.55)
- Trucking Credit Worksheet are used to verify that the DBE Firm and/or Owner operator as indeed, certified to perform DBE trucking services.
- Based off of the information contained within the credit worksheet(s), the Port calculates how much participation of trucking service(s) will count toward the DBE goal.
- Must own & operate at least one truck (licensed, insured & operational) using a driver it employs.
- Must control & manage their entire trucking operation.
- Leasing is permitted and counted 100% if leased from another DBE firm
- Leasing from non-DBE, can count/receive credit only for fees/commissions.
- Lease MUST indicate that the DBE has exclusive use of & control over truck(s).
- There can not be a false arrangement for the purpose of meeting DBE goals

Purpose of DBE Reporting

- **All money paid to DBE's, Suppliers, Manufacturer's, Truckers and/or Trucking Firms**
- Materials
- Supplies
- Services (Professional & Construction)
- Trucking Credit
- **Certified Payroll**
- **EEO 1 Report (Annual-Due end of July/August)**
- **Apprenticeship Hours**
- Commercially Useful Functions (Onsite Reviews)
- Safety Data (i.e. Any incidents- Safety Dept./Personnel determines when/how/what information is reported, to whom and the format)

Purpose of DBE Reporting

- Form WH-347 has been made available for the convenience of contractors and subcontractors required by their Federal or Federally-aided construction-type contracts and subcontracts to submit weekly payrolls.
- **Properly filled out**, this form will satisfy the requirements of Regulations, Parts 3 and 5 (29 C.F.R., Subtitle A), as to payrolls submitted in connection with contracts subject to the Davis-Bacon and related Acts.
- While completion of Form WH-347 is optional, **it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a).**
- The Copeland Act (40 U.S.C. § 3145) requires contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week."
- **U.S. Department of Labor (DOL) Regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed.**
- DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.
- Under the Davis-Bacon and related Acts, **the contractor is required to pay not less than prevailing wage, including fringe benefits, as predetermined by the Department of Labor.** The contractor's obligation to pay fringe benefits may be met either by payment of the fringe benefits to bona fide benefit plans, funds or programs or by making payments to the covered workers (laborers and mechanics) as cash in lieu of fringe benefits.
- This payroll provides for the contractor to show on the face of the payroll all monies to each worker, whether as basic rates or as cash in lieu of fringe benefits, and provides for the contractor's representation in the statement of compliance on the payroll (as shown on page 2) that he/she is paying for fringe benefits required by the contract and not paid as cash in lieu of fringe benefits.

Purpose of DBE Reporting

U.S. Department of Labor
Wage and Hour Division

PAYROLL

(For Contractor's Optional Use; See Instructions at www.dol.gov/whd/forms/wh347instr.htm)

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.



Rev. Dec. 2008

OMB No.: 1235-0008
Expires: 04/30/2012

1 NAME OF CONTRACTOR <input checked="" type="checkbox"/> OR SUBCONTRACTOR <input type="checkbox"/>		ADDRESS		2	
Build-It Construction Co.		17999 Foltz Industrial Parkway, Strongsville, OH 44149			
3 PAYROLL NO. 29	4 FOR WEEK ENDING 07/31/2019	5 PROJECT AND LOCATION 9/021-Lake County Truss Rebuild	6 PROJECT OR CONTRACT NO.		

(1) Name and Individual Identifying number (e.g. last four digits of Social Security number) of worker	(2) # of W/H Exmp	(3) Work Classification	(4) DAY AND DATE							(5) Total Hours	(6) Rate of Pay Non-Hourly*	(7) Gross Amount Earned	(8) DEDUCTIONS					(9) Net Wages Paid For Week
			THU 07/25	FRI 07/26	SAT 07/27	SUN 07/28	MON 07/29	TUE 07/30	WED 07/31				FICA	Fed W/H Tax	State & Local W/H Tax	Union Deductions	Other	
7 Stevens, Rick L 7451 E. 56th Ave. Cleveland, OH 44132 ***_**-9549	8 S1	9 Electrician			4.00					4.00	17.50	805.00	61.58	94.24	40.69		210.15	14 398.34 Gender: Male
Cashman, Arthur A 306 Cavanaugh Hall Cleveland, OH 44132 ***_**-1269	S0	Operators- Foreman			8.00	8.00	8.00	8.00	8.00	40.00	21.75	1,000.50	76.54	156.70	56.05			289.29 711.21 Race: WHT Gender: Male
Brandon, Michael A 123 Abbot Berea, OH 44123 ***_**-9856	M0	Laborer	10.00	10.00	10.00	10.00		3.00		40.00	19.00	845.50	64.68	73.03	44.95			182.66 662.84 Race: ASI Gender: Male

While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Public Burden Statement

We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, ESA, U. S. Department of Labor, Room S3502, 200 Constitution Avenue, N. W., Washington, D. C. 20210.

Equal Employment Opportunity
EMPLOYER INFORMATION REPORT EEO-1

1. Indicate by marking in the appropriate box the type of reporting unit for which this report is submitted. (Check only one box.)

(1) ☐ Single establishment (Employer Report)

(2) ☐ Multiple establishment (Employer Report)

(3) ☐ Consolidated Employer Report (Consolidated)

(4) ☐ Division of Consolidated Employer Report (Consolidated)

(5) ☐ Federal Government (Consolidated)

(6) ☐ State Government (Consolidated)

(7) ☐ Local Government (Consolidated)

(8) ☐ Non-Federal Government (Consolidated)

2. Total number of reports being filed by this Company (Employer or Consolidated Employer only)

3. Section B—COMPANY IDENTIFICATION (Do not leave blank)

a. Name of Company (Do not leave blank)

b. Address (Number and street)

c. City or town

d. State

e. ZIP code

4. Indicate whether this report is filed for the following reasons:

a. ☐ Federal Government

b. ☐ State Government

c. ☐ Local Government

d. ☐ Non-Federal Government

5. Was an EEO-1 report filed for this establishment last year? ☐ Yes ☐ No

6. Section C—EMPLOYERS WHO ARE REQUIRED TO FILE (To be answered by all employers)

7. Yes ☐ No ☐ 1. Does the entire company have at least 100 employees in the pay (or what) reporting unit?

8. Yes ☐ No ☐ 2. Is your company affiliated through common ownership with other entities in an enterprise with a total employment of 100 or more?

9. Yes ☐ No ☐ 3. Does the company or any of its subsidiaries (a) have 50 or more employees AND (b) is not exempt as provided by 41 CFR 101-11.6 (d) either (1) as a prime government contractor or first tier subcontractor, and has a contract, subaward, or purchase order (amounting to \$50,000 or more, or (2) owned as a subsidiary of a government entity in any amount, or is a financial institution when it is acting and paying agent for U.S. Savings Bonds and Savings Bonds?

If the response to question C-3 is yes, please enter your DUNS and Standard Identification Number (if you have one):

NOTE: If the answer is yes to questions 1, 2, or 3, complete the entire form, otherwise skip to Section G.



Purpose of DBE Reporting

- Project reporting is done via the **Port's CDS System** (Contractors are given their on login to enter the required information per their contract and for each project)
 - Each Prime must enter the **(MAPS) monthly amounts paid** to subs each month (regardless of tier, this includes suppliers, trucking, etc.)
 - Each project has a system of how the information gets to the Reporting Stage (TEAM effort)
 - DBE, LBE, SBE M/WBE Subcontractor submits Invoices, etc.
 - Resident Engineers reviews/approves
 - Pay Estimate approval submitted for payment
 - Contract Administrator/personnel verifies contract requirements are met for payment
 - Information entered into Accounting system
 - Check is Issued
 - Monthly Reports are generated and reviewed during project staff meeting(s)
 - (i.e. Monitoring compliance)



United States Department of Transportation (USDOT) – US Office of Civil Rights DBE Program
<https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise>

Office of Minority Women’s Business Enterprise (OMWBE) Washington
<https://omwbe.wa.gov/>

49 CFR Part 26
https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl

Department of Labor
www.dol.gov

Federal Aviation Administration
www.faa.gov

Port of Seattle – Diversity in Contracting
<https://www.portseattle.org/business/bid-opportunities>

Questions?