

DBE Advisory Committee Meeting

March 13th, 2024



**Oregon Department of Transportation
Disadvantaged Business Enterprise Advisory Committee**

Cohort 2

March 13, 2024

8:30 to 10:30 a.m. | [Click here to join the meeting](#)

Meeting Agenda

Meeting goals

- Update on Work group tasks and path forward
- Learn about the Small Business Development Program

Agenda

- Welcome & Introductions All
- Overview of Workgroup Tasks Susie Ashenfelter
- Status & Details of *Do First Tasks*
- Timeline for ongoing work
- Feedback & Questions
- Overview of Small Business Development Program Ailsa Kellam

Disadvantaged Business Enterprise Advisory Committee (DBE AC)

March 13, 2024

Agenda

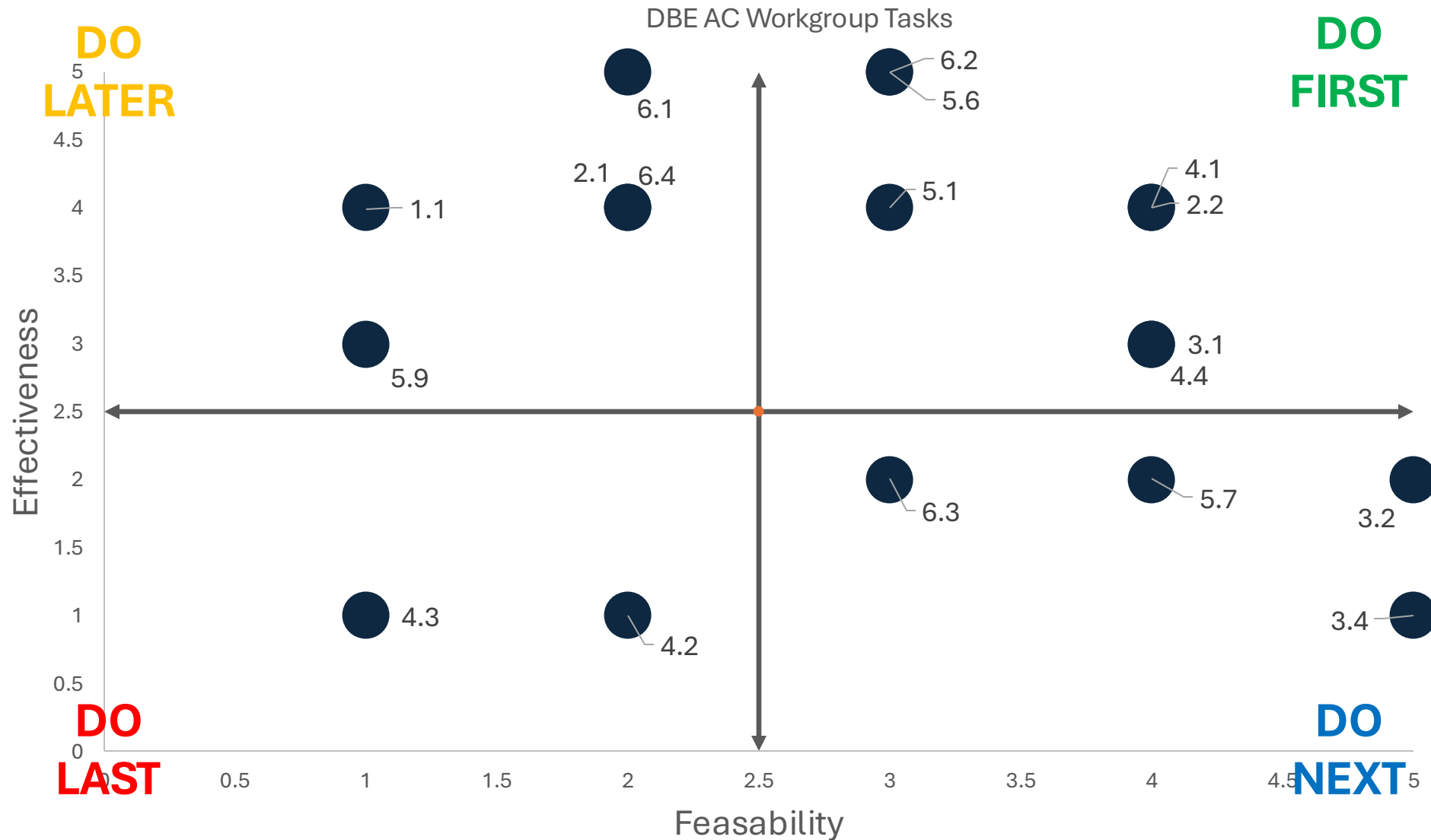
- Welcome & Introductions
- Overview of Workgroup Tasks
- Status & Details of *Do First* Tasks
- Timeline for ongoing work
- Feedback & Questions
- Overview of Small Business Development Program (tasks 6.2 and 5.6)

Welcome & Introductions

- Name
- Agency / Business
- Were you in Cohort 1?

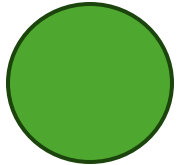


Taking Action



1. Classification for Indigenous origins from countries in North, Central, and South America
2. Difficulty obtaining task approvals
3. Challenges with open communication and access to prime agreements
4. Payment schedule and lack of prompt pay
5. Low bid contracting
6. Access to work under bundled Architecture and Engineering (A&E) and construction contracts

Payment schedule and lack of prompt pay – Barrier #4 – Task 4.1



Overall Objective

Implement project systems that track and report project payments.

Taking Action

Create awareness and training to both prime and subcontractors about existing payment specifications (10 day pay requirements)

Resources & Partners

OECR Lead, Diponker Mukherjee
ODOT Procurement Construction Office

Constraints & Considerations

Federal requirements for when payments can be issued and work approvals required will have an impact on what ODOT can accomplish.

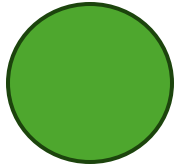
Timeline

Target date to provide overview to DBEAC: June Meeting
Target date to roll out training: June, 2024

Sustainability

Ensure information and training resources continue to be accessible.
Follow up to ensure this addresses needs.

Difficulty obtaining task approvals #2 – Task 2.2



Overall Objective

Address challenges and issues experienced by DBE's with task approval process.

Taking Action

Create an approach and resource for DBE's to raise issues or concerns as they arise.

Resources & Partners

Office of Equity & Civil Rights
Construction Office Lead,
Justin Moderie

Constraints & Considerations

This aligns with Task 4.4 as Small Business Navigator(s) work to further define role.

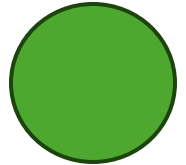
Timeline

Target date to roll out resource information: June, 2024

Sustainability

Ensure that resource information is accessible and that approach to dealing with issues is documented.

Challenges with open communication and access to prime agreements #3 – Task 3.1



Overall Objective

Ensure DBE's have proper access to agreements and access to project platforms.

Taking Action

Provide overview and training of AASHTOWare and OregonBuys capabilities.

Resources & Partners

Construction Office Lead,
Justin Moderie, Vanessa Baker
Office of Equity & Civil Rights
Kayla Vanhose, Procurement
Office

Constraints & Considerations

Need clarification on audiences and how we ensure broader audiences receive training and information.

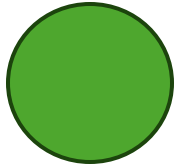
Timeline

AASHTOWare will be launching in April – Construction office will be providing training for Primes and all subcontractors

Sustainability

Ensure that information and training is accessible.
Create a feedback loop on system utilization.

Payment schedule and lack of prompt pay #4 – Task 4.4



Overall Objective

Ensure there is a Point of Contact for DBE's on every contract.

Taking Action

Inform and create awareness on the role of the OECR Small Business Navigators and Field Coordinators

Resources & Partners

Office of Equity & Civil Rights,
Small Business Navigators

Constraints & Considerations

Availability of staff and time to onboard and learn technical information.
Communication methods need to be identified.

Timeline

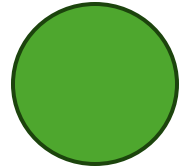
Target date to provide information on OECR's roles and responsibilities: June, 2024

Sustainability

Ensure information and point of contact email is accessible.

Access to work under bundled Architecture and Engineering (A&E) and construction contracts

– Barrier #6 – Task 6.2



Overall Objective

Target percentage of the STIP projects that will bid with a construction value of less than \$1 million in an effort to unbundle more

Taking Action

Implementation of SB 1048 program implementation

Resources & Partners

OECR Program Lead
Statewide Project Delivery
Procurement Office - Ailsa

Constraints & Considerations

Program work is just beginning. Although this is flagged as a do first item – it will still take time to implement.

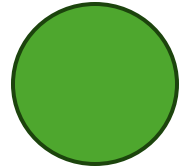
Timeline

Background of program overview at DBE AC: March, 2024

Sustainability

Program establishment will require ongoing reporting and continuous feedback.

Low bid contracting – Barrier #5 – Task 5.6



Overall Objective

Create more contracting processes that waive the lowest bid requirements

Taking Action

1. Small Business Development Program (SB1048) aligns with this objective
2. Overview of small contracting opportunities

Resources & Partners

Procurement Office
OECR Program
Implementation Lead & Small Business Navigator

Constraints & Considerations

ORS 279C requires low bid for public improvement contracts. Program work is just beginning. Although this is flagged as a do first item – it will still take time to implement.

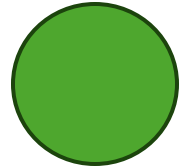
Timeline

1. SBDP program overview at DBE AC: March, 2024
2. Overview of small contracting opportunities, Target June 2024 meeting

Sustainability

Program establishment will require ongoing reporting and continuous feedback.

Low bid contracting– Barrier #5 – Task 5.1



Overall Objective

Research payment options other than pay-when-paid

Taking Action

Conduct research and investigate other options for prompt pay and develop recommendations

Resources & Partners

Procurement: Ashley Sisneros
OECR: Diponker Mukherjee
Construction Office: Justin Moderie

Constraints & Considerations

Oregon laws versus what other DOT's are doing.

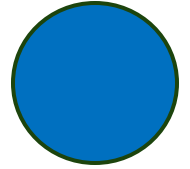
Timeline

OECR will present Illinois DOT research findings in June meeting.

Sustainability

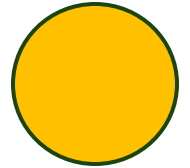
Determine next steps, impact, and program support needs based on research and feasibility findings.

Do Next Work Items



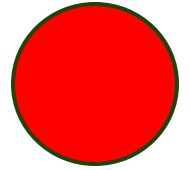
- **Challenges with open communication and access to prime agreements - Barrier #3** – Task 3.2 Ensure DBE's have access to prime contract and payment obligations.
- **Low bid contracting – Barrier #5** – Task 5.7 Create more contracting processes that waive the lowest bid requirements – create contracting flexibility. Further defining work is needed.
- **Access to work under bundled Architecture and Engineering (A&E) and construction contracts – Barrier #6** – Task 6.3 Explore Construction Manager/General Contractor (CM/GC) contracting.

Do Later Work Items



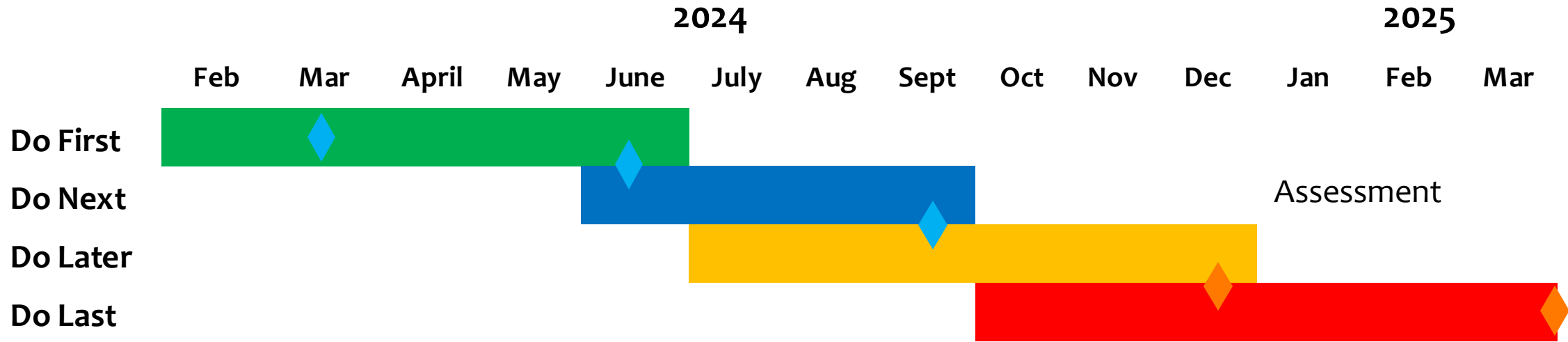
- **Access to work under bundled Architecture and Engineering (A&E) and construction contracts – Barrier #6** – Task 6.1 Explore establishing a target percentage of STIP projects that are exclusively in the Tier A Full Service Price Agreement for Architectural and Design Services.
- **Classification for Indigenous Origins from Countries – Barrier #1** – Task 1.1 - Make recommendations to FHWA regarding the racial definitions used for Indigenous
- **Access to work under bundled Architecture and Engineering (A&E) and construction contracts – Barrier #6** – Task 6.4 Explore single function Indefinite Delivery/Indefinite Quantity (ID/IQ) contracting.
- **Difficulty obtaining task approvals – Barrier #2** – Task 2.1 – Develop in-depth training curriculum for various aspects of contracts.
- **Low bid contracting– Barrier #5** – Task 5.9 Work to implement ODOT, project specific mentor protégé program

Do Last Work Items



- **Payment schedule and lack of prompt pay – Barrier #4 – Task 4.2** ODOT consult with WSDOT and other DOTs regarding programs and tools they have implemented to improve prompt payment.
- **Payment schedule and lack of prompt pay – Barrier #4 – Task 4.3** Make pay note subcontractors submit to primes visible to ODOT.

Target Timelines



Next Steps

- ODOT Technical Advisors will continue to move forward Do First items
- June Advisory Committee Presentations:
 - 10 Day Pay Requirements
 - AASHTOWare Overview
 - Office of Equity & Civil Rights Contacts & Resources
 - Small Contracting Opportunities
 - Illinois DOT Payment Options – Findings



Small Business Development Program

ORS 184.906 (2023 SB 1048)

Program Manager, Ailsa Kellam

Office of Equity and Civil Rights

March 13, 2024

ORS 184.906 (2023 SB 1048)

Establish a small business development program that aids qualified small businesses to compete for public improvement contracts that the department procures.

Specifically, construction prime contracts.

REQUIREMENTS

- A. Identify public improvement contracts that are suitable for a qualified small business to undertake successfully as a general contractor.
- B. Provide a directory or repository of resources to assist a qualified small business in preparing competitive bids that meet specifications.
- C. State in solicitation materials (for identified contracts) that the department will receive bids or proposals solely from qualified businesses.
- D. Designate staff who have experience with challenges that qualified small businesses face in competing for contracts.
- E. Evaluate bids from, and award public improvement contracts to, qualified small businesses on the basis of a determination of the best value to the state.

ORS 184.906 LIMIT

- Under this program, the department may enter into public improvement contracts with qualified small businesses...an aggregated value of not more than \$25 Million annually.

OUTCOMES

By supporting qualified small businesses in successfully preparing competitive bids and being awarded prime construction contracts, we can:

- Increase diversity in the businesses working with ODOT
- Increase success rates for historically underutilized small businesses in Oregon
- Increase the opportunity for wealth creation in historically marginalized communities
- Expand industry small business capacity
- Increase the number of DBE and other certified businesses
- Address unemployment rates near reservations
- Contribute to a stronger economy for Oregon

PROGRAM MILESTONES

1. Small Business Development Program task force meeting
2. Program guidance development
3. Identification of public improvement contracts
4. Program Advisory meeting with external partners
5. Rulemaking
6. Community outreach in sharing the opportunity
7. Evaluation of program according to established success metrics
8. Legislative Reporting – December 31 annually

Thank you!

Contact

Ailsa Kellam, Program Manager

**Small Business Development
Program**

Office of Equity and Civil Rights

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