



Disadvantaged Business Enterprise Program Manual



September 2025

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For accommodation requests or cost-free **translation assistance**, please contact Quan McLaurin (qmclaurin@hrpdcva.gov).

El **servicio de traducción para los documentos** de HRPDC y HRTPO se ofrece sin costo a los miembros de la comunidad. Para recibir asistencia, comuníquese con Quan McLaurin (qmclaurin@hrpdcva.gov).

Libreng ibinibigay sa mga miyembro ng komunidad ang **suporta sa pagsasalin para sa mga dokumentong** HRPDC at HRTPO. Para sa tulong, kumontak kay Quan McLaurin (qmclaurin@hrpdcva.gov).



Report Documentation Sheet

Title

HRPDC/HRTPO Disadvantaged Business Enterprise Program Manual

Report Date

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Author

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Hampton Roads Planning District Commission

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Abstract

The Hampton Roads Planning District Commission/Transportation Planning Organization (HRPDC/HRTPO) Disadvantaged Business Enterprise Program Manual provides comprehensive guidelines on ensuring the organization provides Disadvantaged Business Enterprise (DBE) firms with equal opportunity to participate in the performance of U.S. Department of Transportation-assisted contracts administered by HRPDC/HRTPO. As a subrecipient of Federal Transit Administration and Federal Highway Administration funds, in addition to adopting the Virginia Department of Transportation's DBE Program, this manual provides additional guidelines based on the HRPDC/HRTPO's unique structure and meets the requirements in [49 CFR Part 26](#).

The DBE Program Manual is organized by the Subparts of 49 CFR Part 26.

- Subpart A – General Requirements, pg. 4
- Subpart B – Administrative Requirements, pg. 7
- Subpart C – Goals, Good Faith Efforts, and Counting, pg. 12
- Subpart D – Certification Standards, pg. 16
- Subpart E – Certification Procedures, pg. 16
- Subpart F – Compliance and Enforcement, pg. 19

Each section details program objectives, organizational policy, term definitions, and the functional requirements for procurement procedures.

For more information about this plan, please contact the HRPDC/HRTPO DEI & Title VI/Civil Rights Liaison at (757) 420-8300 or [TitleVI@hrpdcva.gov](mailto>TitleVI@hrpdcva.gov).

Acknowledgement & Disclaimers

Prepared in cooperation with the U.S. Department of Transportation (USDOT), Federal Highway Administration (FHWA), and Virginia Department of Transportation (VDOT), the contents of this program manual reflect the views of the Hampton Roads Planning District Commission (HRPDC) and the Hampton Roads Transportation Planning Organization (HRTPO). The HRPDC/HRTPO is responsible for the facts and the accuracy of the data presented herein. The contents do not necessarily reflect the official views or policies of the FHWA or VDOT. This program manual does not constitute a standard, specification, or regulation. FHWA or VDOT acceptance of this program manual as evidence of fulfillment of the objectives of this program does not constitute endorsement/approval of the need for any recommended improvements, nor does it constitute approval of their location and design or a commitment to fund such improvements. Additional project-level environmental impact assessments and/or studies of alternatives may be necessary.

Non-Discrimination

The HRPDC/HRTPO assures that no person shall, on the grounds of race, color, national origin, handicap, sex, age, or income status as provided by Title VI of the Civil Rights Act of 1964 and subsequent authorities, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity. The HRPDC/[HRTPO Title VI and LEP Plan](#) provides this assurance, information about HRPDC/HRTPO responsibilities, and a [Title VI Complaint Form](#).

Subpart A:

General Requirements

Objectives, § 26.1¹

The Hampton Roads Planning District Commission (HRPDC) and the Hampton Roads Transportation Planning Organization (HRTPO) have adopted the Virginia Department of Transportation's (VDOT) Disadvantaged Business Enterprise (DBE) Program and established their own DBE Program in accordance with requirements prescribed by the U.S. Department of Transportation's (USDOT) regulations [49 CFR Part 26](#) for highway financial assistance programs. The DBE Program seeks to achieve the following objectives:

- To ensure nondiscrimination in the award and administration of USDOT-assisted contracts;
- To create a level playing field on which DBEs can compete fairly for USDOT-assisted contracts;
- To ensure the DBE Program is narrowly tailored in accordance with applicable law;
- To ensure only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- To help remove barriers to the participation of DBEs in USDOT-assisted contracts;
- To promote the use of DBEs in all types of federally assisted contracts and procurement activities conducted by the HRPDC/HRTPO;
- To assist the development of firms that can compete successfully in the marketplace outside the DBE program; and
- To provide appropriate flexibility to subrecipients of Federal financial assistance in establishing and providing opportunities for DBEs.

Applicability, § 26.3

The HRPDC/HRTPO, as subrecipients of federal aid highway funds through VDOT, are required to administer a DBE program in compliance with all laws, regulations, Executive Orders, and guidance.

Definitions of Terms, § 26.5

The HRPDC/HRTPO will use the definitions contained in 49 CFR Part 26.5 for the DBE Program.

¹ Unless preceded by a different Title or Subtitle, all § (sections) refer to Title 49 of the Code of Federal Regulations (CFR): Transportation. For example, § 26.1 refers to [49 CFR Part 26.1](#).

Nondiscrimination Requirements, § 26.7

The HRPDC/HRTPO shall not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

Record Keeping, § 26.11

Uniform Report of DBE Award or Commitment and Payments, § 26.11(a)

The HRPDC/HRTPO will report DBE participation to Federal and State partners using the Uniform Report of DBE Awards, provided in the appendix.

Bidders List, § 26.11(c)

The HRPDC/HRTPO will maintain a bidders list consisting of information about all DBE and non-DBE firms that bid or quote on its contracting opportunities. The bidders list will include names, addresses, and DBE/non-DBE status, and annual gross receipts of firms. The HRPDC/HRTPO will collect this information by requiring prime bidders to report the names, addresses, and possibly other information of DBE subcontractors to the HRPDC/HRTPO prior to the time of bid opening or finalization of a contract agreement. For non-formal bids, such information will be required on the quotation.

Recipient and Contractor Agreement Assurance, § 26.13

The HRPDC/HRTPO has signed the following assurance, applicable to all FTA-assisted contracts and their administration. When the HRPDC/HRTPO has subrecipients, this language will appear in financial assistance agreements with such subrecipients and will require their signature.

Federal Financial Assistance Agreement Assurance, § 26.13(a)

The following language will appear in financial assistance agreements with subrecipients:

The HRPDC/HRTPO shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any FTA-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR, Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of FTA-assisted contracts. The recipient's DBE Program, as required by 49 CFR Part 26 and as approved by FTA, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the HRPDC/HRTPO of its failure to carry out its approved program, the Department may

impose sanction as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

Contract Assurance, § 26.13(b)

The HRPDC/HRTPO will ensure that the following clause is placed in every FTA-assisted contract and subcontract:

The contractor, subrecipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of FTA-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

1. *Withholding monthly progress payments;*
2. *Assessing sanctions;*
3. *Liquidated damages; and/or*
4. *Disqualifying the contractor from future bidding as non-responsible.*

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Subpart B: Administrative Requirements

DBE Program Updates, § 26.21

The HRPDC/HRTPO will continue to implement this program until all funds from USDOT financial assistance have been expended. The HRPDC/HRTPO will provide updates to the FHWA, representing significant changes in the program.

DBE Liaison Officer, § 26.25

The HRPDC/HRTPO has designated the following individual as the Disadvantaged Business Enterprise Liaison Officer (DBELO):

LeeQuan McLaurin
DEI & Title VI/Civil Rights Liaison, HRPDC/HRTPO
723 Woodlake Drive
Chesapeake, VA 23320
(757) 420-8300
TitleVI@hrpdcvva.gov // qmclaurin@hrpdcvva.gov

The DBELO is responsible for developing, implementing, and monitoring the DBE Program in coordination with other appropriate officials. To assist in the administration of the program, the DBELO has access to HRPDC/HRTPO staff for support, as necessary. An organizational chart displaying the DBELO's position is provided in the appendix of this document.

The DBELO's duties and responsibilities include the following:

1. Gathers and reports on DBE-related statistical data and other information as required by FHWA.
2. Reviews third-party contracts and purchase requisitions for DBE Program compliance.
3. Sets overall annual goals.
4. Ensures bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract-specific goals attainment, as appropriate) and identifies ways to improve progress.
6. Analyzes the HRPDC/HRTPO's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings, as appropriate.

8. Advises the HRPDC/HRTPO on DBE-related matters and achievement.
9. Provides DBEs with information on preparing bids and obtaining bonding and insurance.
10. Plans and participates in DBE training seminars.
11. Acts as a liaison to the Uniform Certification Process for VDOT, as necessary.
12. Provides outreach to DBEs and community organizations to advise them of opportunities.
13. Maintains the HRPDC/HRTPO's updated directory on certified DBEs.

DBE Financial Institutions, § 26.27

It is the policy of HRPDC/HRTPO to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community; to make reasonable efforts to use these institutions; and to encourage prime contractors participating in FHWA-assisted contracts to make use of these institutions.

Prompt Payment Mechanisms, § 26.29

HRPDC/HRTPO will include language regarding the prompt payment and retainage in each federally assisted contract in accordance with the VDOT Road and Bridge Specifications Book, Code of Virginia 2.2-4354 and 2.2-4355, and the Special Provision 107.15-Use of Disadvantaged Business Enterprises.

Prompt Payment, § 26.29(a)

The HRPDC/HRTPO will include the following clause in each federally assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than thirty (30) days from the receipt of each payment the prime contractor receives from the HRPDC/HRTPO. The prime contractor agrees further to return retainage payments to each subcontractor within thirty (30) days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above-referenced timeframe may occur only for good cause following written approval of the HRPDC/HRTPO. This clause applies to both DBE and non-DBE subcontracts.

The Contractor shall take one of the following two actions within seven (7) days of receipt of payment from the HRPDC/HRTPO for the subcontractor's portion of the work as shown on the monthly progress estimate:

1. Pay the subcontractor for the proportionate share of the total payment received from the agency attributable to the work performed by the subcontractor; or
2. Notify HRPDC/HRTPO and subcontractor, in writing, of his intention to withhold all or a

part of the subcontractor's payment with the reason for nonpayment.

Retainage, § 26.29(b)

When the HRPDC/HRTPO provides payment for work completed and detailed on the monthly progress estimate, the Contractor shall fully compensate any subcontractors for that portion of the work for which they were responsible within seven (7) days after receipt of payment. If the Contractor withholds any funds as part of his agreement with the subcontractor to ensure satisfactory compliance and completion of the specified work and the subcontractor achieves specified work as verified by payment from the HRPDC/HRTPO to the Contractor, the Contractor shall make full payment (including retainage, etc.) to the subcontractor or supplier within seven (7) days.

Satisfactory Completion, § 26.29(c)

For purposes of this section, a subcontractor's work is determined to be satisfactorily completed when all tasks called for in the subcontract have been accomplished and documented as required by the recipient. When a recipient has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

Monitoring and Enforcement, § 26.29(d)

To address the barriers created by delays in payment to subcontractors, subcontractors will need to contact the Program Manager. The contractor or consultant will need to provide information pertaining to the contract, such as Prime Contractor Information, Contract ID, and copies of contracts, agreements, etc., to support the claim.

Should a DBE contractor or consultant be involved in a payment issue, the contract issuing authority and the VDOT Civil Rights Division shall be notified so as to investigate the reason for non-payment.

1. If the contractor/consultant fails to make payment of the subcontractor's portion of the work within the timeframe specified herein, the subcontractor shall contact the contract issuing authority in writing. The contract issuing authority and VDOT will investigate the cause for non-payment and, barring mitigating circumstances, that would make the subcontractor ineligible for payment in accordance with the requirements of VDOT regulations and policy.
2. The Department will withhold payment of the contractor's/consultant's monthly progress estimate until the contractor/consultant ensures that the subcontractors have been promptly paid for the work they have performed successfully and for which the Department has accepted and paid the Contractor.
 - a. When bidding and by accepting and executing a contract, the contractor/consultant

agrees to assume these contractual obligations and to bind the contractor/consultant's subcontractors contractually to prompt payment requirements.

b. Nothing contained herein shall preclude the contractor/consultant from withholding payment to the subcontractor in accordance with the terms of the subcontract to protect the contractor/consultant from loss or cost of damage due to a breach of agreement.

Directory, § 26.31

The Virginia Department of Transportation (VDOT) is responsible and accountable to the U.S. Department of Transportation (USDOT), including the Federal Highway Administration (FHWA), for all DBE certification-related activities identified in 49 CFR Parts 23 and 26; however, the Metropolitan Washington Airports Authority (MWAA) and the Virginia Department of Small Business and Supplier Diversity (SBSD) has been delegated the authority through the Virginia Unified Certification Program (Virginia UCP) as Certifying Members to make all certification and decertification decisions on DBE certification matters in accordance with 49 CFR Parts 23 and 26 and the Virginia UCP Memorandum of Agreement.

The SBSD shall be responsible for maintaining the DBE Directory for all DBE firms certified by MWAA and SBSD in Virginia and out-of-state firms certified through the interstate certification process. VDOT has taken a proactive role in monitoring the entire certification process housed at SBSD, including the DBE Directory. The directory lists each firm's name, address, telephone number, contact, fax number, email address, vendor number, VDOT work codes and classes, and disadvantage designation. The Certifying Members have responsibility for updating the directory on a daily basis and the directory is posted on their website at <http://www.sbsd.virginia.gov>.

Overconcentration, § 26.33

VDOT has concluded that overconcentration does not exist in the types of work that DBE firms perform. VDOT will continue to review DBE participation and statistical reports each year for signs of overconcentration.

If VDOT does determine that overconcentration exists in any work type, the agency will devise appropriate measures to address the overconcentration and shall forward the proposed steps to the VDOT Civil Rights division for consultation. Measures considered may include the use of incentives, technical assistance, mentor/protégé programs, and other appropriate tools designed to assist DBEs in performing work outside of their specific field.

Business Development Programs, § 26.35

In partnership with VDOT, HRPDC/HRTPO is committed to developing programs to increase the participation of DBE firms in Federal-aid highway contracts. As a partner, HRPDC/HRTPO will encourage DBEs to use VDOT's Business Opportunity and Workforce Development (BOWD) Center. The BOWD Center, funded by the Federal Highway Administration (FHWA), helps DBE firms become more sustainable through in-depth comprehensive business assessments.

HRPDC/HRTPO will support VDOT's BOWD Center in its efforts to:

1. Increase the number of certified and qualified DBE firms active in the highway program, and
2. Contribute to the growth and eventual self-sufficiency of DBE firms so that they may achieve proficiency in competing for contracts and subcontracts.

The development of DBE firms includes but is not limited to assisting them into non-traditional areas of work and in completing in the marketplace outside the DBE Program through training and assistance from VDOT.

Monitoring and Enforcement Mechanisms, § 26.37

HRPDC/HRTPO will bring to the attention of VDOT any false, fraudulent, or dishonest conduct in connection with the program, so that VDOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.

HRPDC/HRTPO will consider similar action under our its legal authorities, including responsibility determinations in future contracts. HRPDC/HRTPO will identify regulation, provisions, and contract remedies available to it in the event of non-compliance with the DBE regulation by a participant in our procurement activities.

Subpart C: Goals, Good Faith Efforts, and Counting

Quotas, § 26.43

HRPDC/HRTPO does not use quotas in any way in the administration of the DBE Program.

Overall Goals, § 26.45

In accordance with § 26.45, VDOT will submit its overall goal to FHWA triennially on August 1 of each year.

HRPDC/HRTPO has adopted the methodology and overall goal of VDOT. VDOT has established an overall goal of 10.97% for DBE participation in USDOT-assisted contracts. The goal is based on evidence of the availability of ready, willing, and able DBEs relative to all businesses ready, willing, and able to participate in USDOT-assisted contracts. The goal reflects the level of DBE participation anticipated, absent the effects of discrimination.

Goal Setting and Accountability, § 26.47

If the awards and commitments shown on VDOT's Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, VDOT is committed to analyze the reason the DBE participation fell short for that year. To implement the program in good faith, VDOT will do the following:

- a. Analyze in detail the reason for the difference between the overall goal and the HRPDC/HRTPO's awards and commitments in that fiscal year
- b. Establish specific steps and milestones to correct any problems identified in the analysis to fully meet the goal for the new fiscal year.
- c. Submit within ninety (90) days of the end of the fiscal year, the analysis and corrective actions developed under paragraphs (a) and (b) of this section to VDOT for approval.

HRPDC/HRTPO will not be penalized or treated by VDOT as being in noncompliance because DBE participation falls short of the overall goal, unless HRPDC/HRTPO has failed to administer the program in good faith.

Meeting Overall Goals, § 26.51(d-e)

HRPDC/HRTPO will use contract goals to meet any portion of the overall goal that is not projected to be met through race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of the overall goal that is not met through the use of race-neutral means.

HRPDC/HRTPO will establish contract goals only on those USDOT-assisted contracts that have subcontracting possibilities. HRPDC/HRTPO will review USDOT-assisted contracts to determine if contract goals will be established based on the circumstances of each contract, such as the type and location of work and the availability of DBE firms to perform the particular type of work.

Good Faith Efforts, § 26.53

In instances in which a contract-specific DBE goal is included in procurement or solicitation, the HRPDC/HRTPO will not award the contract to a bidder that does not either:

1. Meet the contract goal with verified, countable DBE participation, or
2. Document that it has made adequate good faith efforts to meet the DBE contract goal, even though it was unable to do so.

It is the obligation of the bidder to demonstrate that it has made sufficient good faith efforts prior to the submission of its bid.

Information to be Submitted, § 26.53(b)

The HRPDC/HRTPO treats bidder compliance with good faith effort requirements as a matter of contract compliance. Each solicitation for which a contract goal has been established will require each bidder to submit the following information:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment; and
6. If the contract goal is not met, evidence of good faith efforts.

Demonstration of Good Faith Efforts, § 26.53(c)

A bidder is obligated to make good faith efforts. It can demonstrate that it has done so by

meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in [Appendix A to Part 1, Title 49](#).

The DBELO and the project manager are responsible for determining whether a bidder who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

The DBELO ensures that all information is complete and accurate and adequately documents the bidder/offer's good faith efforts before the HRPDC/HRTPO commits to the performance of the contract by the bidder.

Administrative Reconsideration, § 26.53(d)

Within five (5) working days of being informed by the HRPDC/HRTPO that it is not responsive because it has not documented sufficient good faith efforts, a bidder may request administrative reconsideration. A bidder must make this request in writing to the following reconsideration official:

Executive Director
HRPDC/HRTPO
723 Woodlake Drive
Chesapeake, VA 23320

The reconsideration official will not have played any role in the original determination that the bidder did not document sufficient good faith efforts.

As part of this reconsideration, the bidder will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder will have the opportunity to meet in person with the reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. The HRPDC/HRTPO will send the bidder a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to USDOT.

Good Faith Efforts When a DBE is Terminated/Replaced on a Contract with Contract Goals, § 26.53(f-g)

The HRPDC/HRTPO requires that prime contractors not terminate a DBE subcontractor listed on a bid/contract with a DBE contract goal without prior written consent from HRPDC/HRTPO. Prior written consent must be provided where there is "good cause" for termination of the DBE firm, as established by § [26.53\(f\)\(iii\)](#).

Before transmitting its request to terminate to the HRPDC/HRTPO, the prime contractor must give notice in writing to the DBE of its intent to do so. A copy of this notice must be provided to

the HRPDC/HRTPO prior to considering the termination request. The DBE will have five (5) days to respond and advise the HRPDC/HRTPO if it objects to the proposed termination. The five-day period may be reduced if the matter is one of public necessity, e.g., safety.

In instances in which “good cause” exists to terminate a DBE’s contract, the HRPDC/HRTPO will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE to the extent needed to meet the contract goal. The HRPDC/HRTPO will require the prime contractor to notify the DBELO immediately of the DBE’s inability or unwillingness to perform and provide reasonable documentation.

In this situation, the HRPDC/HRTPO will require the prime contractor to obtain prior approval of the substitute DBE and to provide copies of new or amended subcontracts or documentation of good faith efforts. If the prime contractor fails or refuses to comply in the time specified, the HRPDC/HRTPO Executive Director or designee will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the Executive Director or designee may issue a termination for default proceeding.

Counting DBE Participation, § 26.55

The HRPDC/HRTPO will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

Subparts D and E: Certification Standards and Procedures

The Virginia Department of Transportation (VDOT) is ultimately responsible and accountable to the U.S. Department of Transportation (USDOT), including the Federal Highway Administration (FHWA), for all Disadvantaged Business Enterprise (DBE) certification-related activities identified in 49 CFR Part 26. The Certifying Member of the Virginia Unified Certification Program (Virginia UCP), the Virginia Department of Small Business and Supplier Diversity (DSBSD) is required to use the certification standards of 49 CFR Part 26 Subpart D and the certification procedures of 49 CFR Part 26 Subpart E to determine the eligibility of firms to participate as DBEs in USDOT-assisted contracts. VDOT will monitor the certification decisions made by the Certifying Members. To be certified as a DBE, a firm must meet all certification eligibility standards. The certification decisions will be based on the facts as a whole.

For information about how a firm can be certified as a DBE in the Commonwealth of Virginia and to access certification application forms and documentation requirements, contact:

Virginia Department of Small Business and Supplier Diversity
Attn: Certification Unit
101 N. 14th Street, 11th Floor
Richmond, VA 23219

Phone: 804-786-6585
Web: www.sbsd.virginia.gov

Unified Certification Programs, §26.81

It is the policy of the HRPDC/HRTPO to accept DBE certification from agencies that have reviewed and certified the DBE firms in accordance with 49 CFR Part 26. The HRPDC/HRTPO is not a certifying agency and will use the Virginia UCP or information provided by the DSBSD, the certifying member of the UCP. For information about the certification process or to apply for certification, firms should contact the Virginia Department of Small Business and Supplier Diversity at <https://sbsd.virginia.gov/certification-division/>

Re-Certification, § 26.83

The recertifications of firms as DBEs will be based on UCP standards and will be conducted by the certifying agency listed above.

The HRPDC/HRTPO will require all DBEs to inform it, in a written affidavit, of any change in its

circumstances affecting its ability to meet size, disadvantaged status, ownership, or control criteria of 49 CFR Part 26 or any material changes in the information provided.

The HRPDC/HRTPO will also require all owners of all DBEs to submit, on the anniversary date of their certification, a “no change” affidavit meeting the requirements of § [26.83\(j\)](#). The affidavit should, at a minimum, include the following language:

I swear (or affirm) that there have been no changes in the circumstances of [name of DBE firm] affecting its ability to meet the size, disadvantaged status, ownership, or control requirements of 49 CFR Part 26. There have been no material changes in the information provided with [name of DBE firm]’s application for certification, except for any changes about which you have provided written notice to the HRPDC/HRTPO under § [26.83\(j\)](#).

The HRPDC/HRTPO requires DBEs to submit with the affidavit documentation of the DBE firm’s size and gross receipts.

The HRPDC/HRTPO will notify all currently certified DBE firms of these obligations in writing. This notification will inform DBE firms that to submit the “no change” affidavit, their owners must swear or affirm that they meet all regulatory requirements of 49 CFR Part 26, including personal net worth. Likewise, if a firm’s owner knows or should know that they or the firm fails to meet a 49 CFR Part 26 eligibility requirement (e.g., personal net worth), the obligation to submit a notice of change applies.

Decertification, § [26.87](#)

The decertification of firms as DBEs will be based on UCP standards and will be conducted by the certifying agency listed above.

Certification Appeals, § [26.89](#)

Any firm or complainant may appeal a decision in a certification matter to the certifying agency listed above.

Procedures for Certification Decisions, § [26.91](#)

The HRPDC/HRTPO directs agencies to information on VDOT and the DSBSD websites, which provide a list of UCP agencies that provide certification and noncertification services in Virginia.

A firm that has been denied certification or whose eligibility has been removed by a Virginia UCP Certifying Member may make an administrative appeal to the USDOT.

USDOT
Departmental Office of Civil Rights

1200 New Jersey Avenue SE
Washington, DC 20590.

Appeal decisions made by the USDOT are binding, and the Virginia UCP Certifying Member must take the following actions:

1. If the USDOT determines that the Virginia UCP Certifying Member erroneously certified a firm, the Virginia UCP Certifying Member must remove the firm.
2. If the USDOT determines that the Virginia UCP Certifying Member erroneously failed to find reasonable cause to remove the firm's eligibility, the Virginia UCP Certifying Member must expeditiously commence a proceeding to determine whether the firm's eligibility should be removed.
3. If the USDOT determines the Virginia UCP Certifying Member erroneously declined to certify or removed the eligibility of the firm, the Certifying Member must certify the firm, effective on the date that the written notice of determination was received from the USDOT.
4. If the USDOT affirms the Certifying Member's determination, no further action is required.

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Subpart F:

Compliance and Enforcement

Availability of Records

HRPDC/HRTPO will comply with the provisions of the Federal Freedom of Information Act ([5 U.S.C. 552](#)), Privacy Acts ([5 U.S.C. 552a](#)), and the Virginia Freedom of Information Act, § [2.2-3704](#)) when responding to requests for information concerning any aspect of the DBE Program. HRPDC/HRTPO will safeguard from disclosure to unauthorized persons information that may reasonably be considered as confidential business information, consistent with Federal, state, and local law. HRPDC/HRTPO will not release any information that may reasonably be construed as confidential business to any third party without the written consent of the firm that submitted the information.

Confidentiality of Information

Complainants shall be kept confidential, at their election. If such confidentiality will hinder the investigation, proceeding or hearing, or result in a denial of appropriate administrative due process to other parties, the complainant must be advised for the purpose of waiving the privilege. Complainants are advised that, in some circumstances, failure to waive the privilege may result in the closure of the investigation or dismissal of the proceeding or hearing.

Cooperation

All participants in HRPDC/HRTPO's DBE Program (including, but not limited to, recipient's, DBE firms, applicants for DBE certification or removal of eligibility and/or suspension and debarment; with respect to a complainant or appellant, dismissal of the complaint or appeal; with respect to a contractor that uses DBE firms to meet goals, findings of non-responsibility for future contracts and/or suspension and debarment).

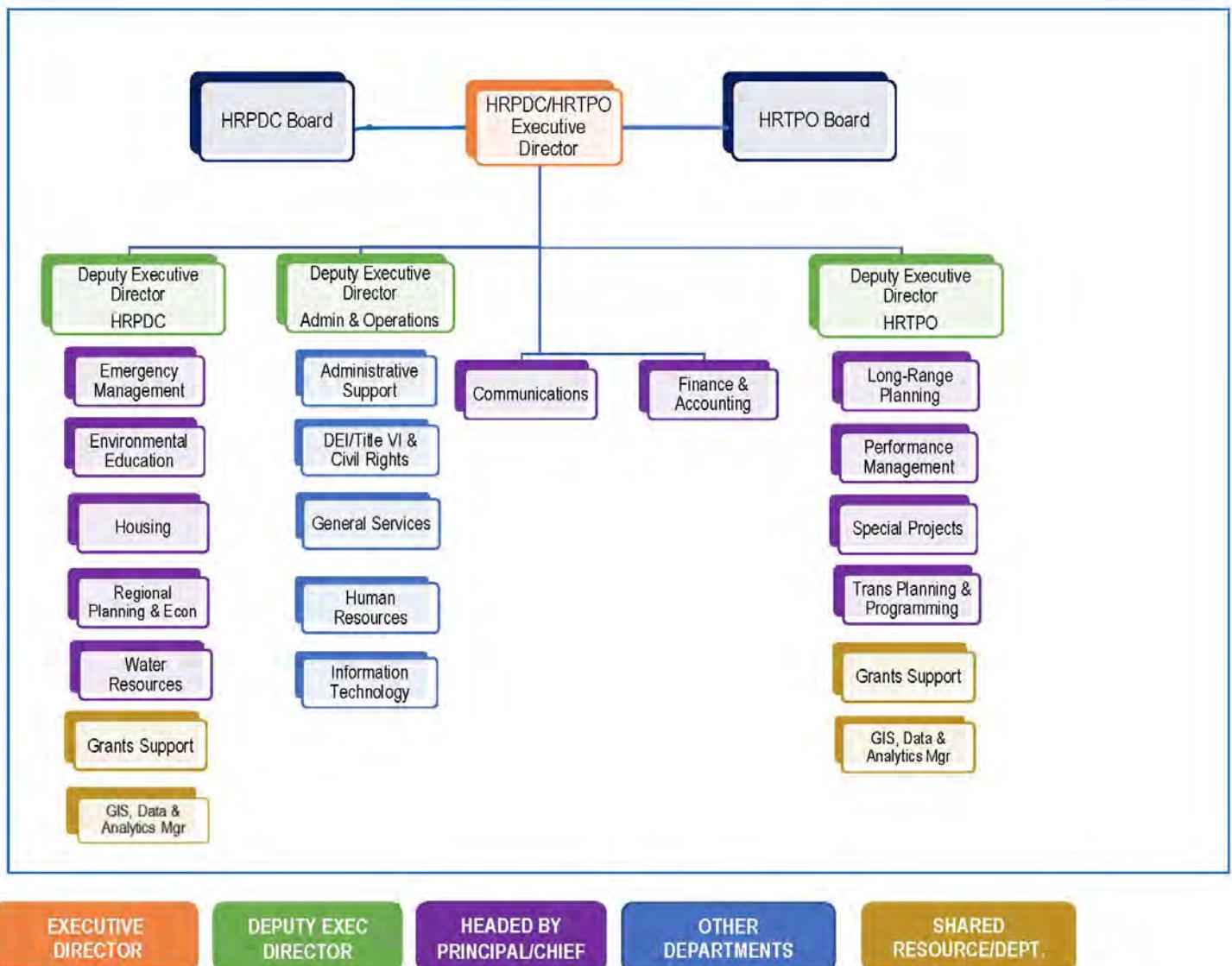
Intimidation and Retaliation

No recipient, contractor, or any other participant in the program, will intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part.

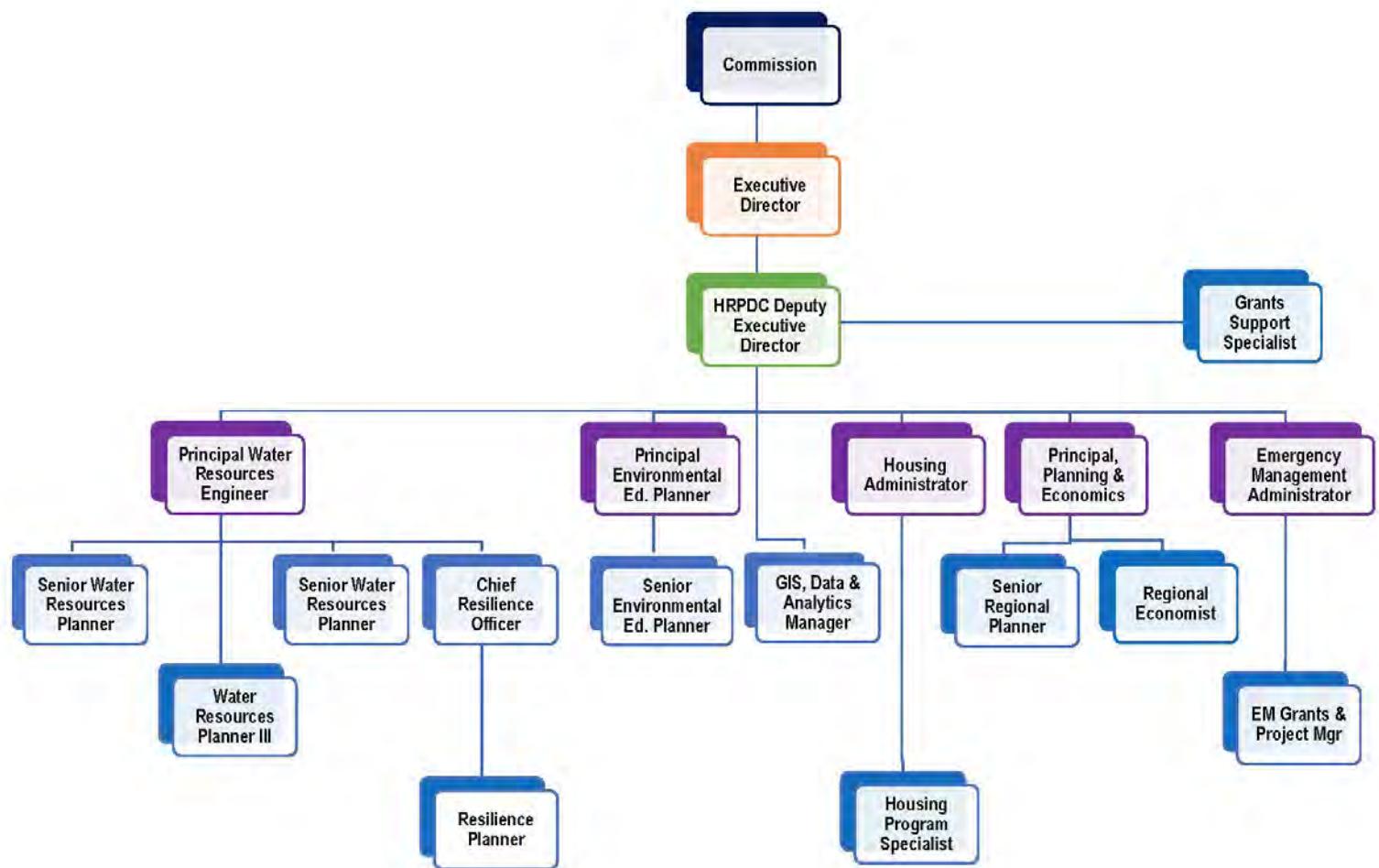
Appendix

Organizational Charts

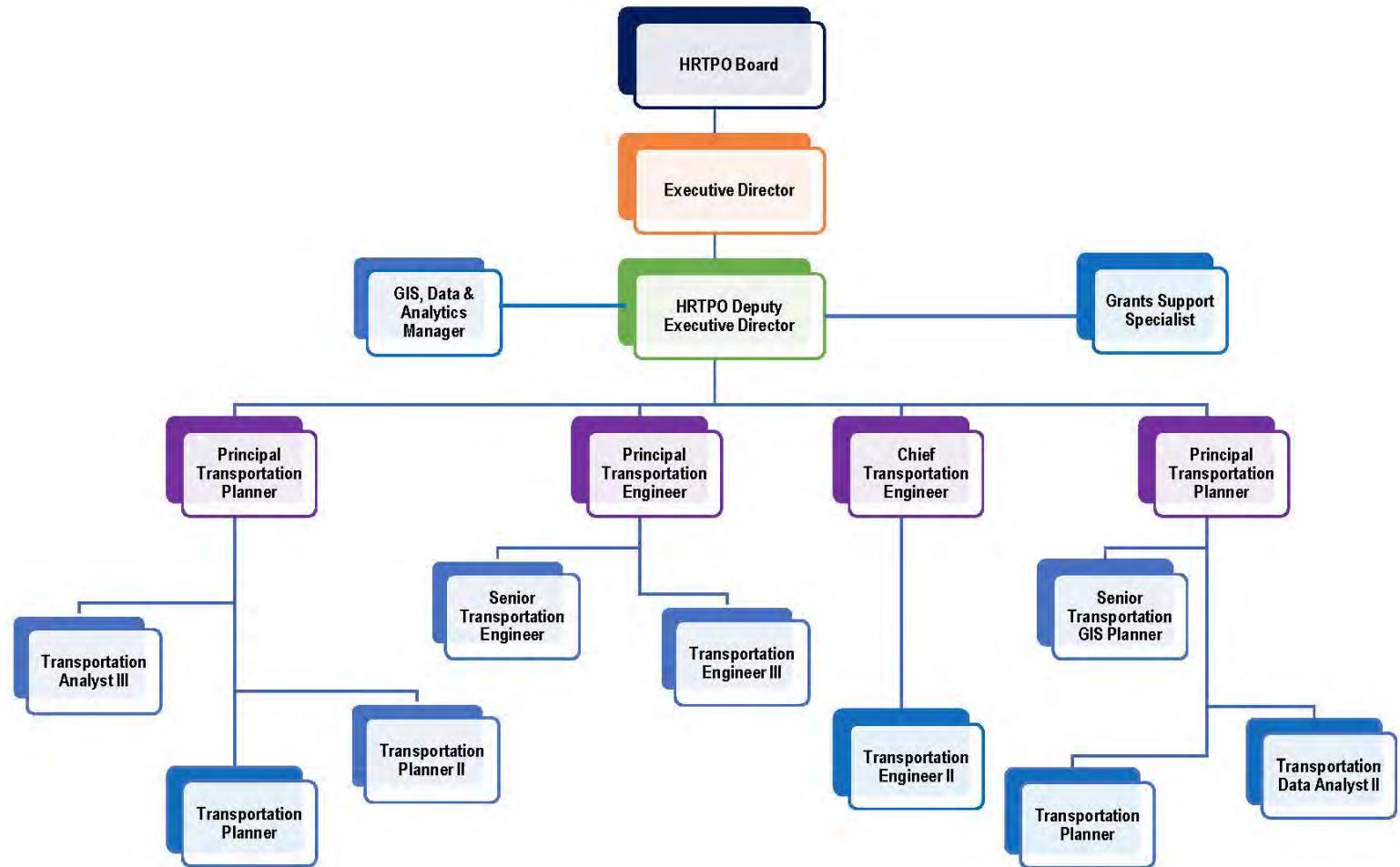
HRPDC/HRTPO Organizational Structure



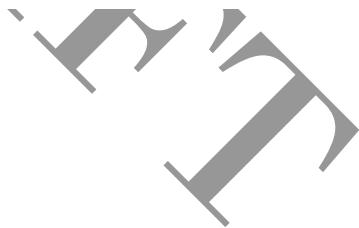
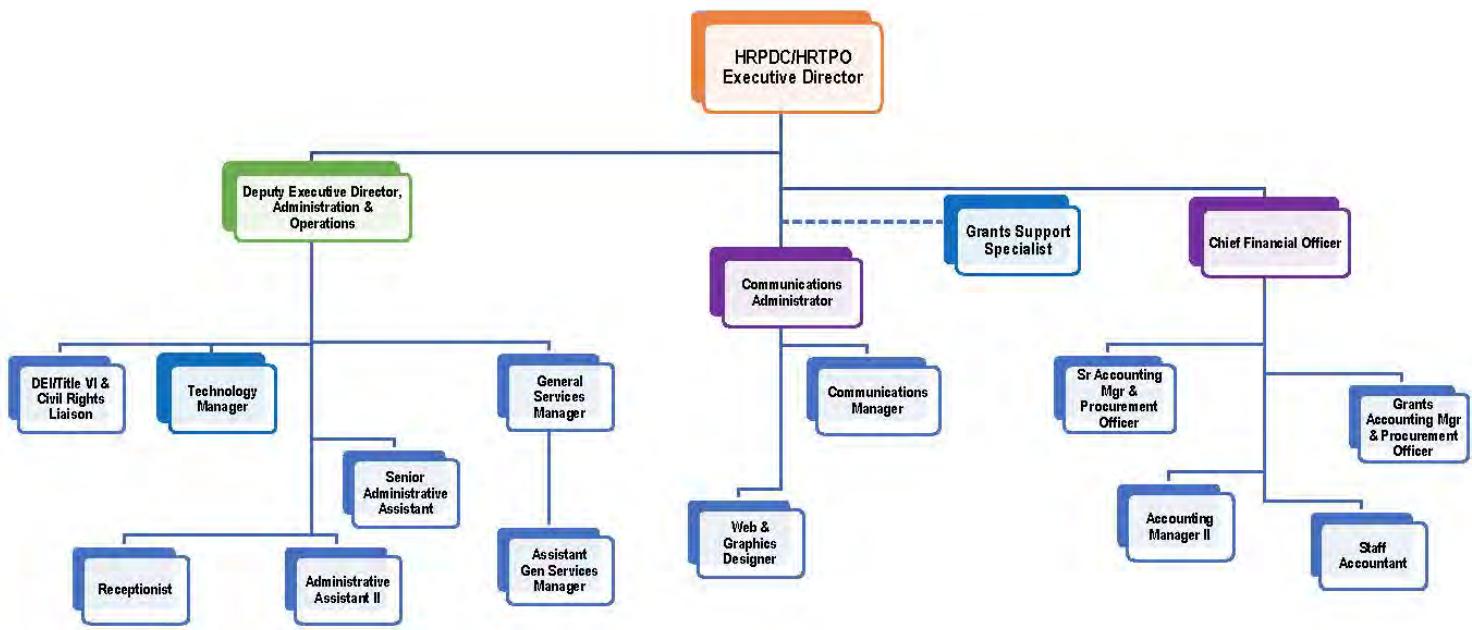
Hampton Roads Planning District Commission



Hampton Roads Transportation Planning Organization



HRPDC/HRTPO Administration



Attachment 1 –

Virginia Department of Transportation

Triennial DBE Overall Goal Submission

October 1, 2023 – September 30, 2026

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VIRGINIA DEPARTMENT OF TRANSPORTATION

**TRIENNIAL DBE OVERALL GOAL
SUBMISSION**

October 1, 2023 - September 30, 2026



This document constitutes the Virginia Department of Transportation's submission of its Disadvantaged Business Enterprise Overall Goal Setting Methodology Report to the US Department of Transportation, Federal Highway Administration for federal fiscal year 2024, 2025, and 2026.

VIRGINIA TRIENNIAL DBE OVERALL GOAL SETTING METHODOLOGY

2024 – 2026
(Federal Fiscal Years, October 1--September 30)

EXECUTIVE SUMMARY

The Virginia Department of Transportation (VDOT) submits this report to the Federal Highway Administration (FHWA) for the review and approval of the 2024-2026 Triennial Disadvantaged Business Enterprise (DBE) Overall Goal of **10.97%**. This goal includes a race/sex-conscious projection of **8.48%** and a race/sex-neutral projection of **2.49%**. VDOT shall make good faith efforts to meet the overall DBE goal each year during the triennial period. This report was constructed based on the best available information from VDOT, as well as government-published secondary data.

The goal was derived in the following manner:

- A base goal of **10.44%** was computed.
- An adjustment to the base goal was made taking into consideration the median past participation of **11.49%**, thereby increasing the base goal to **10.97%**.
- The maximum portion of the adjusted goal is **8.48%**, which is race/sex-conscious and the race-/sex-neutral portion of the adjusted goal is **2.49%**.

Background

VDOT, as a recipient of the US Department of Transportation (DOT) Financial Assistance Program, is required to establish and submit a triennial DBE overall goal for contract participation by DBEs, based on demonstrable evidence of the availability of ready, willing and able DBEs, relative to all businesses that are ready, willing and able to participate on DOT-assisted contracts. This process begins with the determination of a base figure for the relative availability of DBEs and then, based on evidence, a determination of whether the base figure requires adjustments to arrive at the overall goal. VDOT's goal setting methodology follows these requirements.

Methodology and Data Sources

The calculations to determine the base figure are made in order to measure the relative availability of DBE firms or firms that could be certified as DBEs, to perform the types of prime and subcontract work that VDOT contracts. The methodology used determines the percentage of DBE firms that are ready, willing and able to respond to solicitations for the types of work that VDOT will be performing during the 2024--2026 federal fiscal years (FFYs).

VDOT considered the methods recommended in 49 CFR § 26.45(c), as amended, and DOT's *Tips for Goal-Setting in the Disadvantaged Business Enterprise (DBE) Program* in the establishment of a base figure. These methods included the use of the Virginia Department of Small Business and Supplier Diversity's (DSBSD's) *SWaM and DBE Directory* and *2020 Disparity Study*, US Census Bureau data, bidders lists, the goal of another DOT recipient, and alternative methods. VDOT determined that the appropriate methodology was to use DSBSD's *Directory Listing* and state agency *Diversity Spend by Functional Area*

Reports data for VDOT, the US Census Bureau's Economic Census data, and VDOT's bidders list data to determine the base figure. The information utilized from the US Census Bureau's Economic Census data consisted of data for firms located throughout Virginia, North American Industry Classification System (NAICS) codes, minority status, and female sex.

Consultation and Publication to Facilitate Public Input

As detailed further below in the Public Participation section, a public notice of the proposed DBE overall goal of **10.97%** was published in nine publications and on VDOT's public website for the purpose of soliciting comments and public input. VDOT's industry contacts, DBE program stakeholders, and the public were invited to participate in three telephone/internet/in-person conference presentations/discussions of the overall goal setting methodology with VDOT's staff.

STEP ONE - BASE FIGURE CALCULATIONS

Determination of the Local Market Area

During the past twelve (12) FFY quarters (April 1, 2020 – March 31, 2023), VDOT's total contract expenditures were \$2,261,381,120.38 in five (5) major categories of contract service work: construction, architectural and engineering professional, information technology, non-architectural and engineering professional, and miscellaneous.

**VDOT Federally-Funded Contract Expenditures by Industry Classification
(April 1, 2020 – March 31, 2023)**

Industry Classification	Total Dollars Expended	Percent
Construction Services	\$ 1,868,393,979.46	82.62%
Architectural & Engineering Professional Services	\$ 211,433,295.94	9.35%
Information Technology Services	\$ 69,085,431.05	3.06%
Non-Architectural & Engineering Professional Services	\$ 8,897,706.65	0.39%
Miscellaneous Services	\$ 103,570,707.28	4.58%
Total	\$ 2,261,381,120.38	100.00%

Expenditures for Construction Services and Architectural & Engineering Professional Services represented 91.97% of all expenditures, thus indicating that Construction and Architectural & Engineering Professional Services are the primary industries to use in determining the local market area for VDOT.

In determining the market area for VDOT, an analysis was conducted of the geographical locations of the substantial majority of all contractors and subcontractors with which VDOT did business during the targeted time period of April 1, 2020 – March 31, 2023, as well as where the substantial majority of VDOT's contract dollars were being spent.

Construction Services. During the past twelve (12) FFY quarters (April 1, 2020 – March 31, 2023), \$1,868,393,979.46 was expended by VDOT in Construction Services contracts, resulting in contract payments to 836 firms (primes and their subcontractors). Ninety-four and ninety-four hundredths percent (94.94%) of the contract expenditures (\$1,773,809,944.15) went to 772 firms in Virginia, which represented 92.34% of the 836 firms that received contract awards within the Construction Services industry. Virginia met the 75% minimum threshold in both total expenditures and the number of firms receiving contracts, thus, other states were not considered for inclusion into VDOT's local market area for construction contracts. The table below shows VDOT's total Construction Services expenditures, allocated by the geographical location of firms receiving contract awards during the subject time period.

VDOT Construction Services Contract Expenditures
(April 1, 2020 – March 31, 2023)

STATE	Total Construction \$ (Prime and Sub)	Total Vendors	% of Expenditures	% of Firms
VA	1,773,809,944.15	772	94.94%	92.34%
NC	40,673,934.20	16	2.18%	1.91%
MD	23,772,445.59	25	1.27%	2.99%
WV	18,767,857.37	8	1.00%	0.96%
KY	5,569,616.90	3	0.30%	0.36%
NE	3,579,697.33	1	0.19%	0.12%
TN	1,126,589.94	3	0.06%	0.36%
DC	438,848.78	1	0.02%	0.12%
NJ	300,565.00	1	0.02%	0.12%
AK	177,462.54	1	0.01%	0.12%
DE	124,253.95	1	0.01%	0.12%
PA	17,478.33	1	0.00%	0.12%
CA	16,620.63	1	0.00%	0.12%
FL	14,716.00	1	0.00%	0.12%
IN	3,948.75	1	0.00%	0.12%
Grand Total	1,868,393,979.46	836	100.00%	100.00%

Architectural & Engineering Professional Services. During the past twelve (12) FFY quarters (April 1, 2020 – March 31, 2023), \$211,433,295.94 was expended by VDOT to 126 firms under Architectural & Engineering Professional Services contracts. Ninety-three and forty hundredths percent (93.40%) of the contract expenditures (\$197,479,774.16) went to 107 Virginia-based firms which represented 84.92% of the 126 firms; thereby exceeding the 75% threshold to establish the local market area as Virginia in both percentage of expenditures and the number of firms doing business with VDOT in the Architectural & Engineering Professional Services contract expenditures, allocated by the geographical location of firms receiving contract awards during the subject time period.

VDOT Architectural & Engineering Professional Services Contract Expenditures
(April 1, 2020 – March 31, 2023)

STATE	Total Architectural & Engineering Consulting \$ (Prime and Sub)	Total Vendors	% of Expenditures	% of Firms
VA	\$197,479,774.16	107	93.40%	84.92%
MD	\$11,804,049.68	10	5.58%	7.94%
PA	\$1,302,910.96	4	0.62%	3.17%
NJ	\$639,940.44	2	0.30%	1.59%
WV	\$159,613.00	1	0.08%	0.79%
NC	\$47,007.70	2	0.02%	1.59%
Grand Total	\$211,433,295.94	126	100.00%	100.00%

Combined, the total contract dollars expended by VDOT for the Construction Services and Architectural & Engineering Professional Services industries between April 1, 2020 and March 31, 2023, was \$2,079,827,275.40, of which 89.83% was expended for Construction Services contracts and 10.17% was expended for Architectural and Engineering Professional Services contracts.

For future triennial goal analyses, VDOT continues to work to capture expenditures and firm data by NAICS codes in order to minimize manual determination of contract and expenditure categories.

NAICS Codes Considerations and Weighted Calculations

In using the relevant industry and demographic data from the US Census Bureau for the “Step One Base Figure” calculations, VDOT focused upon the primary NAICS codes used in its Construction and

Architectural and Engineering Professional Services industries contract work. The primary NAICS codes/descriptions and the category of work types used for VDOT contracts are as follows:

Category	NAICS Code	NAICS Code Description
Construction	237110	Water and Sanitary Sewer Line
	237310	Highway, Street and Bridge
	238910	Site Preparation
Professional Services	541330	Engineering Services
	541370	Surveying and Mapping (except Geophysical Services)

Total Weighted Calculations by Category

The potential number of DBE firms in the Construction Services industry in VDOT's local market area, which is comprised of the total number of minority-owned and female-owned construction firms statewide in Virginia, is 153. The total number of firms in Virginia, regardless of ownership status, is 1430. When the potential number of DBE firms is divided by the total number of firms, the relative availability of DBEs for the construction industry in VDOT's local market area is 10.70%. When multiplied by the percentage of dollars expended by VDOT between April 1, 2020 – March 31, 2023, the total weighted calculation for the construction industry category is 9.61%.

The potential number of DBE firms in the Architectural & Engineering Professional Services industry in VDOT's local market area, which is comprised of the total number of minority-owned and female-owned construction firms statewide in Virginia, is 136. The total number of firms in these locations, regardless of ownership status, is 1670. When the potential number of DBE firms is divided by the total number of firms, the relative availability of DBEs for the professional services industry in VDOT's local market area is 8.14%. When multiplied by the percentage of dollars expended by VDOT in between April 1, 2020 – March 31, 2023, the total weighted calculation for the professional services category is .83%.

When the total weighted calculations for the Construction Services and the Architectural & Engineering Professional Services categories are added together, the total Step One Base Figure calculation for VDOT is **10.44%**, with the calculations indicated in Table I and as follows:

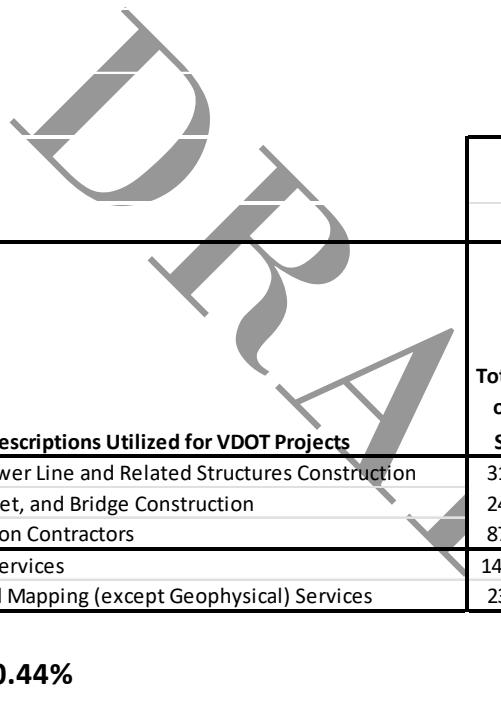
$$\begin{aligned} [(153 \text{ Potential DBE Firms}/1430 \text{ Construction Firms}) \times .8983] &= & 9.61\% \\ [(136 \text{ Potential DBE Firms}/1,670 \text{ Professional Services Firms}) \times .1017] &= & 0.83\% \end{aligned}$$

Total Step One Base Figure Calculation **10.44%**

The construction and professional services industry type categories were used as a basis to calculate a weighted percentage for each work type category, with a resultant aggregate percentage of **10.44%** for the Step One Base Figure calculation. Table I indicates the source of the data and the calculations utilized.

Table I
Step One Base Figure: Weighted Statistics of DBE Firms Ready, Willing, and Able to Perform Work for VDOT

STEP ONE BASE CALCULATIONS



Industry Category	TOTAL VDOT SPENDING (APRIL 1, 2020 MARCH 31, 2023) (VDSBSD Data)	Primary NAICS Code/Descriptions Utilized for VDOT Projects	Virginia Firms						Virginia Totals	
			(Column E)	(Column G)	(Column I)	(Column K)	(Column U)	(Column V)		
			Total Numbers of All Firms Statewide ¹	Numbers of Minority-owned Firms ²	Numbers of Women-owned Firms ²	Total Numbers of Minority-owned and Women-owned Firms	Relative Availability of DBEs in Virginia (Column K/Column E)	Toal Weighted Caculations by Category in Virginia (Column B x Column V)		
Construction	89.83%	237110 Water and Sewer Line and Related Structures Construction 237310 Highway, Street, and Bridge Construction 238910 Site Preparation Contractors	312 244 874	33 53 36	122 13 9	42 66 45	10.70%	9.61%		
Professional Services	10.17%	541330 Engineering Services 541370 Surveying and Mapping (except Geophysical) Services	1438 232	1670 8	102 28 6	122 136 14	8.14%	0.83%		10.44%

Step One Base Figure Calculation is 10.44%

¹Source - U. S. Census Bureau Table ID AB1700CSA01

²Source - Combined Virginia DBE and SWaM Directories dated June15, 2023

STEP TWO – ADJUSTMENT CALCULATIONS

In order to adjust VDOT's Step One Base Figure to make it as precise as possible, all available evidence in VDOT's jurisdiction was first evaluated to determine whether any adjustments were necessary. Considerations included past participation and bidders' lists. It was concluded that past participation data would be utilized to accomplish the needed adjustment to the Base Figure calculation from Step One.

Median Past Participation

The median past participation for fiscal years 2016-2022 was determined to be **11.49%**, as indicated in the following table:

Table II
Determining the Median Past Participation

Federal Fiscal Year	Federal Dollars	DBE Commitments	Percentage	Calculation of Median Value Percentage
2016	939,597,950	59,085,631	6.29%	6.29%
2017	738,957,735	95,258,978	12.89%	10.97%
2018	1,325,582,022	152,330,132	11.49%	10.98%
2019	558,554,619	61,316,006	10.98%	11.49%
2020	504,252,622	55,331,890	10.97%	12.89%
2021	511,326,244	72,205,815	14.12%	14.12%
2022	312,794,671	44,727,393	14.30%	14.30%

11.49%

Step Two Adjustment with Median Past Participation

When averaged together, the Step One Base Figure (**10.44%**) and the median past participation figure (**11.49%**) equal the adjusted step two figure of **10.97%**:

$$[(10.44\% + 11.49\%) / 2] = 10.97\%$$

CALCULATING THE RACE/SEX-NEUTRAL AND RACE/SEX-CONSCIOUS SPLIT

The race/sex-neutral and race/sex-conscious division of the overall goal is a vital component of the DBE goal setting process. VDOT intends to meet the maximum feasible portion of the overall goal by using a combination of race/sex-neutral and race/sex-conscious DBE participation. Following is the basis of VDOT's projections of the level of achievement of race/sex-neutral and race/sex-conscious participation and the supporting data.

The percentages by which VDOT's contractors exceeded the aggregate of the specific project goals for FFYs 2016--2022 goals with contract commitments along with the race/sex-conscious and race/sex-neutral values for each fiscal year are documented in Table III - VDOT FEDERAL-AID CONTRACTS, FFYs 2016 THROUGH 2022.

The Virginia overall DBE goal for FFYs 2024--2026 is **10.97%**, consisting of **8.48%** race/sex-conscious and **2.49%** race/sex-neutral DBE participation.

The calculations are as follows:

Virginia overall DBE goal for FFYs 2024–2026	10.97%
Race/sex-neutral DBE goal	-
Total race/sex-conscious goal	<u>8.48%</u>

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Table III
VDOT FEDERAL-AID CONTRACTS
FFYs 2016 THROUGH 2022

FEDERAL FISCAL YEAR	TOTAL FHWA CONTRACT DOLLARS (Prime Contracts)	TOTAL DBE COMMIT DOLLARS	TOTAL COMMIT %	R/C COMMIT DOLLARS	R/C COMMIT %	R/N COMMIT DOLLARS	R/N COMMIT %
2016	939,597,950.00	59,085,631.00	6.29%	35,775,959.00	3.81%	7,231,932.00	0.77%
2017	738,957,735.00	95,258,978.00	12.89%	63,028,310.00	8.48%	32,230,668.00	4.36%
2018	1,325,582,022.00	152,330,132.00	11.49%	136,411,122.00	10.29%	15,919,010.00	1.20%
2019	558,554,619.00	61,316,006.00	10.98%	47,408,155.00	8.49%	13,907,851.00	2.49%
2020	504,252,622.00	55,331,890.00	10.97%	48,548,900.00	9.63%	6,782,990.00	1.35%
2021	511,326,244.00	72,205,815.00	14.12%	49,364,356.00	9.65%	22,841,459.00	4.47%
2022	312,794,671.00	44,727,393.00	14.30%	27,144,319.00	8.68%	17,583,074.00	5.62%
TOTAL	4,891,065,863.00	540,255,845.00	-	407,681,121.00	-	116,496,984.00	-
MEDIAN	558,554,619.00	61,316,006.00	11.49%	48,548,900.00	8.68%	15,919,010.00	2.49%

PUBLIC PARTICIPATION

Public Participation Schedule

- June 29 – July 29, 2023: in-person forums/video-teleconferences and discussions with stakeholders and the public
- June 29, 2023: draft of overall goal setting methodology posted on VDOT’s website
- June 29 – June 30, 2023: notices regarding availability of the document on VDOT’s website and the public invitation/details for joining the in-person forums/video-teleconference/presentations and discussions
- July 29, 2023: final date for receipt of any comments (summarized below in the Public Participation section)
- August 1, 2023: VDOT deadline for document submittal to the FHWA

Public Consultation and Virtual Teleconferences

The regulations require that VDOT provide for consultation and public participation when establishing its overall goal. VDOT scheduled internal and industry meetings that began on July 17, 2023, to present the methodology, invite discussion and input, and gather information for its 2024–2026 DBE overall goal methodology submission. Members of the general public were invited to attend the teleconferences/internet presentations and discussions of the document, as well as women- and minority-owned business owners and representatives from the following organizations: Transportation DBE Association, Virginia Transportation Construction Alliance, Old Dominion Highway Contractors Association, Transportation DBE Advisory Committee, American Council of Engineers of Virginia, Central Virginia Business & Construction Association, National Society of Black Engineers, Virginia Beach Minority Business Council, Northern Virginia Black Chamber of Commerce, Metropolitan Business League, Virginia Hispanic Chamber of Commerce, the Central Virginia African American Chamber of Commerce, and the Women’s Transportation Seminar.

Three virtual/teleconference/in-person meetings were held on July 17 and July 19, 2023, which served to present the document, both orally and visually, to the participants and invited discussion and public input as to the document, sources, and content.

Public Meeting and Consultation Schedule

	July 17, 2023 2:00 pm – 3:00 pm	VDOT Civil Rights Personnel (virtual/teleconference/in-person format)	email calendar invitations/notifications sent
	July 19, 2023 10:00 am – 11:00 am	VDOT Civil Rights Personnel (virtual/teleconference/in-person format)	email calendar invitations/notifications sent
	July 19, 2023 2:00 pm – 3:00 pm	Public, DBEs and Stakeholders (virtual/teleconference/in-person format)	invitations/notifications published in nine newspapers and email invitations/notifications sent

Results of the Public Consultation and In Person Forums/Video-Teleconferences

Some of the key topics that were discussed included:

Topic	Response/Discussion
Concern from the owners of DBE firms that the proposed DBE overall goal has been reduced by 0.20% from that of the current triennium (topic during the July 13, 2023, meeting of DBE firm owners in a Transportation DBE Association meeting in Chantilly, Virginia, and again in the July 19, 2023, public meeting at 2:00 p.m.)	VDOT shared the background data with the requesting firms which supported the proposed 10.97% triennial overall DBE goal during and after the public meetings on July 17, 2023 (e-mailed the excel data file upon request).
Concern from two DBE firm owners that the DBE goals for VDOT work are non-existent or not high enough for projects (topic during the July 13, 2023, meeting of DBE firm owners in a Transportation DBE Association meeting in Chantilly, Virginia) in their area	The firms are in a less densely populated area of Virginia than the three major metropolitan areas (Northern Virginia, Hampton Roads and Richmond) and it was explained that the DBE goals for each contract are largely based upon having competition for bid items from DBE - certified firms in each area (usually a 75-mile radius) and the need for their subcontracting specialties. The two firms are located roughly 100 miles from each other in western Virginia, and both conveyed that it was their normal business practice to work within a wider radius than 75 miles and suggested that VDOT look at the DBE contracting patterns for the DBE firms with regard to how far they are travelling for VDOT work. VDOT will study the data behind the firm owners' request to have the goal setting area (with respect to individual contracts) expanded, discuss any potential ramifications for VDOT's DBE program, make any changes needed to the goal setting methodology, and notify the business owners of any changes made.
Concern from a DBE firm owner that VDOT's contractor prequalification status/data is not evident with the DBE certification data from the Virginia Department of Small Business and Supplier Diversity's certification listings.	VDOT will research the issue with its staff and the Virginia Department of Small Business and Supplier Diversity to discuss the merits and logistics of inclusion of the prequalification data with the certification data.

Request from a DBE firm owner for a copy of the current FFYs 2021 – 2023 Triennial DBE Overall Goal Document.	Emailed to all meeting attendees on July 26, 2023, along with the current draft copy of this document.
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VDOT has effectively engaged in public outreach and has provided an opportunity for business owners, industry associations, and community groups to participate in discussions relevant to the goal setting process and reasonably considered the comments and questions received. Therefore, VDOT believes that the proposed triennial overall DBE goal for FFYs 2024--2026 of **10.97%** accurately reflects the ready, willing, and able DBE firms for participation on federally funded contracts.

Notice of the proposed DBE Overall Triennial Goal for FFYs 2024 – 2026

The notice, provided below, was posted on the VDOT website beginning June 29, 2023, at <http://www.virginiadot.org/business/bu-civil-rights-home.asp>, and in the following publications, beginning on July 5, 2023:

New Journal & Guide – July 5, 2023
 Richmond Free Press – July 5, 2023
 Roanoke Tribune – July 5, 2023
 Washington Post – July 6, 2023
 Richmond Times Dispatch – July 6, 2023
 Roanoke Times – July 6, 2023
 Bristol Herald Courier – July 6, 2023
 Virginian-Pilot – July 6, 2023
 El Tiempo Latino – July 7, 2023

In accordance with 49 CFR §26.45, VDOT issued a public notice announcing VDOT's overall DBE goal and informed the public that the proposed goal and its rationale were available for inspection and comment during normal business hours at VDOT's public website for at least 30 days following the date of the notice and that VDOT, as required by US DOT regulations, would accept comments regarding the goal for at least 30 days from the date of posting of the public notice. The VDOT notice included an email address to which comments could be sent and was published in general circulation media and available minority-focused media. Notices were also sent to several business owners and organizations which are directly or indirectly associated with the DBE program in Virginia.

PUBLIC NOTICE

**Virginia Department of Transportation
Disadvantaged Business Enterprise (DBE)
Overall Triennial Goal on FHWA-Funded Projects
For Federal Fiscal Years October 1, 2023 – September 30, 2026**

The Virginia Department of Transportation (VDOT) as required by the U.S. Department of Transportation's regulations, contained under 49 CFR Part 26, announces the proposed Disadvantaged Business Enterprise triennial goals for contractible opportunities administered through VDOT and funded by the U.S. Department of Transportation (USDOT).

The DBE Triennial Overall Goal is **10.97%** of the federal financial assistance to be expended on VDOT contracts and is effective from October 1, 2023 – September 30, 2026. The race/sex-conscious portion of the goal is **8.48%** and the race/sex-neutral portion of the goal is **2.49%**. The DBE overall goal is based upon demonstrable evidence of the availability of ready, willing, and able DBEs relative to all businesses ready, willing, and able to participate on DOT-assisted contracts.

The methodology used in establishing the overall goal will be available for review, inspection, and comment until Saturday, July 29, 2023 at <http://www.virginiadot.org/business/bu-civil-rights-home.asp> and at the following email address from 9:00 a.m. – 4:00 p.m.:

Sharon Plymire
Virginia Department of Transportation
Civil Rights Division
sharon.plymire@vdot.virginia.gov
804-786-4441

You are also welcome to attend a public meeting, using one of the three methods below, and comment at a visual/teleconference presentation of the methodology used to establish the DBE Triennial Overall Goal on **Wednesday, July 19, 2023** at 2:00 p.m.

1. Join the meeting on your computer, mobile app, or room device:

<https://www.microsoft.com/microsoft-teams/join-a-meeting>

Meeting ID: 236 829 587 36

Passcode: EE7pGM

2. Call in (audio only):

[+1 434-230-0065, 642634811#](tel:+14342300065) United States, Lynchburg

Phone Conference ID: 642 634 811#

3. Join in person:

Business Opportunity & Workforce Development (BOWD) Center
6000 Elko Tract Road, Sandston, Virginia 23150
804-328-3002

Please use the front entrance. Check in at the front desk with your photo ID to receive a visitor's pass.
Free parking is located on the side and rear of building.

All comments and any questions should be sent to Sharon Plymire by email at sharon.plymire@vdot.virginia.gov or by phone at 804-786-4441.

Attachment 2 –

Uniform Reports of DBE Commitments/Awards and Payment

DRAFT

UNIFORM REPORTS OF DBE COMMITMENTS/AWARDS AND PAYMENT

UNIFORM REPORT OF DBE COMMITMENTS/AWARDS AND PAYMENTS								
Please refer to the Instructions sheet for directions on filling out this form								
1	Submitted to (check only one):	<input type="checkbox"/> FHWA	<input type="checkbox"/> FAA	<input type="checkbox"/> FTA-Recipient ID Number				
2	AIP Numbers (FAA Recipients); Grant Number (FTA Recipients):							
3	Federal fiscal year in which reporting period falls:			4. Date This Report Submitted:				
5	Reporting Period	<input type="checkbox"/> Report due June 1 (for period Oct. 1-Mar. 31)		<input type="checkbox"/> Report due Dec. 1 (for period April 1-Sept. 30)		<input type="checkbox"/> FAA annual report due Dec. 1		
6	Name and address of Recipient:							
7	Annual DBE Goal(s):	Race Conscious Projection		Race Neutral Projection		OVERALL Goal		

Awards/Commitments this Reporting Period

A	AWARDS/COMMITMENTS MADE DURING THIS REPORTING PERIOD (total contracts and subcontracts committed during this reporting period)	A	B	C	D	E	F	G	H	I
		Total Dollars	Total Number*	Total to DBEs (dollars)	Total to DBEs (number)	Total to DBEs /Race Conscious (dollars)	Total to DBEs/Race Conscious (number)	Total to DBEs/Race Neutral (dollars)	Total to DBEs/Race Neutral (number)	Percentage of total dollars to DBEs
8	Prime contracts awarded this period									
9	Subcontracts awarded/committed this period									
10	TOTAL									

Contracts Awarded to DBEs this Period

B	BREAKDOWN BY ETHNICITY & SEX	Contracts Awarded to DBEs this Period					
		A	B	C	D	E	F
		Total to DBE (dollar amount)			Total to DBE (number)		
		Women	Men	Total	Women	Men	Total
11	Black American						
12	Hispanic American						
13	Native American						
14	Asian-Pacific American						
15	Subcontinent Asian Americans						
16	Non-Minority						
17	TOTAL						

Payments Made this Period

C	PAYMENTS ON ONGOING CONTRACTS (report activity of ongoing contracts)	A	B	C	D	E	F
		Total Number of Contracts	Total Dollars Paid	Total Number of Contracts with DBEs	Total Payments to DBE firms	Total Number of DBE firms Paid	Percent to DBEs
18	Prime and sub contracts currently in progress						

D	TOTAL PAYMENTS ON CONTRACTS COMPLETED THIS REPORTING PERIOD	A	B	C	D	
		Number of Contracts Completed	Total Dollar Value of Contracts Completed	DBE Participation Needed to Meet Goal (Dollars)	Total DBE Participation (Dollars)	Percent to DBEs
19	Race Conscious					
20	Race Neutral					
21	Totals					
22	Submitted By:	24. Signature:				25. Phone Number: