Disadvantaged Business Enterprise (DBE) Compliance: MPO’s & RPC’s

External Civil Rights Division
Missouri Department of Transportation
Overview

- Intent of the DBE Program
- Eligibility Requirements for DBE Certification
- DBE Program & Procurements
- DBE Process
- DBE Compliance FAQ
- Upcoming Events
Intent of the DBE Program

- Ensure nondiscrimination
- Create a level playing field for DBEs
- Narrowly tailored program
- Remove barriers
Eligibility for DBE Certification

- For-profit business
- Must be at least 51% owned and controlled by a socially and economically disadvantaged individual(s)
- Personal net worth of less than $1.32 million
- The owner must be a U.S. citizen or permanent resident
- $28.48 million in average gross receipts
DBE Work scopes

- Construction
  - Hauling
  - Landscaping
  - Traffic Control
  - Pavement Marking
  - Liquid Asphalt
  - Concrete
  - Steel
  - Pipe
  - Excavation
  - Signage
  - Electrical
  - Guardrail
  - Fencing

- Professional Service
  - Surveying
  - Design
  - Traffic Plans
  - Geotechnical
  - Environmental
  - Historic Preservation
  - Public Involvement
Planning Agencies & the DBE Program

- As planning partners, MPO’s & RPC’s receive pass through FHWA & FTA (USDOT) funds from MoDOT

- Federal funds = federal requirements attached

- Federally funded procurements must undergo DBE goal evaluation, goal setting, DBE monitoring, & closeout

- MPO’s more likely to procure work than RPC’s.

- More involvement if agency is administering LPA funds.
Definition: Procurements

- Procurements: Public solicitation of services requiring RFP issuance.

- Procurements utilizing federal funds which have multiple subcontracting opportunities must be evaluated for a DBE goal.
DBE Goal Process

- DBE goal evaluation information for public procurements must be sent to ECR at dbe@modot.mo.gov

- Solicitation to include established DBE goal

- Responsive bidders/offerors requirements
DBE Concurrence

- Selected proposal & draft contract must be sent to dbe@modot.mo.gov for review & concurrence

- ECR verification of DBE participation

- ECR notification of DBE concurrence

- Project award following receipt of DBE concurrence
DBE Monitoring & Closeout

- DBE participation on each invoice submittal
- At project closeout, submit final DBE participation
- DBE goal attainment verified by ECR
FAQ: DBE Compliance

Q: Can my agency provide DBE concurrence, monitoring, & closeout?
A: Yes & no. It’s helpful for subrecipients to conduct a preliminary check, but ultimately, MoDOT is responsible for ensuring DBE compliance on subrecipient funds.

Q: Why isn’t there a dollar threshold for procurements that require DBE evaluation?
A: DBE requirements are in place regardless of contract size – the spirit of the law is to provide a level playing field when those opportunities exist.
FAQ: DBE Compliance

Q: If a DBE goal is set at 0%, are concurrence & closeout processes still required?
A: Yes. This is to ensure all contracting dollars are accounted for, not solely those that have an established DBE goal.

Q: What if I am unsure if a procurement opportunity necessitates a DBE goal evaluation?
A: Contact ECR & we would be glad to help make this determination.
Upcoming Event: DBE Symposium

- March 28, 2023: 8:00 a.m. – 4:30 p.m.
- In Person: Courtyard Marriott, Columbia, MO
- Register here
Lunch and Learns

- February 28\textsuperscript{th} – MBE/WBE/SBE Certifications
- March 28\textsuperscript{th} - ECR Symposium – Columbia, MO
- April 27\textsuperscript{th} – Workforce Development
- May 25\textsuperscript{th} – SL & SE District Update
- June 29\textsuperscript{th} – KC & NW District Update
- July 27\textsuperscript{th} – NE & CD District Update
- August 31\textsuperscript{st} – SW District Update
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