

Resolution #TC-1760

Federal Fiscal Year 2010 DBE goal

WHEREAS, on August 20, 2008, the Commission passed a resolution setting a 12.80% overall annual Disadvantaged Business Enterprise (DBE) goal on federal-funded highway construction and design contracts for Federal Fiscal Year 2009 (FFY 2009); and

WHEREAS, the July, 2008 presentation provided the factual predicate required by the US DOT/FHWA in 49 CFR Part 26.45 for establishing Colorado's Disadvantaged Business Enterprise (DBE) program overall annual goal; and

WHEREAS, federal court decisions require that DBE programs be narrowly tailored; and

WHEREAS, the Commission provided funds for, and CDOT contracted for, a new Disparity Study to determine whether conditions of DBE participation on CDOT projects have significantly changed since the 2001 Disparity Study Update and to provide recommendations for improving the participation of historically underutilized businesses, so that the Commission may use the results of the new Disparity Study in establishing accurate future overall goals for such DBE participation; and

WHEREAS, the results of the new Disparity Study are not currently available, CDOT shall continue implementation of the 12.80% overall annual DBE goal for Federal Fiscal Year 2010 (FFY 2010) on an interim basis; and

WHEREAS, the 12.80% interim goal is based on data available as of July 2008 as set forth in CDOT's interim FFY 2010 goal submittal to FHWA, CDOT will continue implementation of the 12.80% interim goal until such time as the results of the new Disparity Study are made available establishing a new FFY 2010 overall annual goal; and

WHEREAS, the 12.80% interim annual goal for FFY 2010 shall be implemented by the setting of goals for DBEs on construction projects and design contracts, based upon the type of work included in each project and the availability of DBEs capable of performing such work, and using the good faith efforts standard to justify award when the goal on highway projects has not been met and by encouraging the use of other DBEs whenever possible; and

NOW THEREFORE BE IT RESOLVED, that the DBE program for CDOT shall be as follows:

1. CDOT will follow the procedures set forth in its US DOT/FHWA approved DBE Plan.
2. CDOT shall continue to strive for 12.80% DBE participation in its state and federally funded contracting opportunities for construction and design projects for FFY 2010.
3. The 12.80% interim goal will be implemented by the setting of appropriate, narrowly tailored goals on projects depending on the regional availability of DBEs, according to recent CDOT findings and reports.
4. In accordance with the US DOT/FHWA guidelines, the DBE participation on contracting opportunities for construction and design contracts will be met with 10.51% race/gender conscious goals and 2.29% race/gender neutral participation.
5. CDOT shall continue to monitor DBE participation in construction and design contracts each month, and shall report such participation to the Commission through the DBE Committee so that the Commission can evaluate the status of all DBE goals and the need for any appropriate future changes to the DBE program.
6. When the results of the new Disparity Study are available recommending a new FFY 2010 overall annual DBE goal, CDOT staff shall prepare and present a revised FFY 2010 DBE goal resolution to the Commission for approval.