



June 29, 2015

TO: Tom Baker, Bridge & Structures
Kevin Dayton, Olympic Region
Lorena Eng, Northwest Region
Nicole McIntosh, Ferries Division
Julie Meredith, SR 520 Program Administrator
Keith Metcalf, Deputy Chief Engineer
Ron Pate, Rail Division
Dan Sarles, North Central Region
Kris Strickler, Southwest Region
Craig Stone, Toll Division
Todd Trepanier, AWV Program Administrator
Megan White, Environmental Services
Don Whitehouse, South Central Region

FROM: Linea Laird, Chief Engineer 
Assistant Secretary of Engineering & Regional Operations
(360) 705-7032

SUBJECT: **Project Delivery Memo #15-02 – DBE Utilization on Consultant Contracts**

PURPOSE

At the direction of the Secretary of Transportation in Executive Order E 1009.02, WSDOT is affirming our commitment to the Disadvantaged Business Enterprise (DBE) program. The DBE program is a federal assistance requirement (Title 49, Part 26) that has existed for more than 25 years.

WSDOT is implementing a more comprehensive DBE program that includes increased emphasis on federally-funded professional services agreements, including but not limited to architectural and engineering (A&E) contracts administered through the Consultant Services Office.

Background

The total number of consultant contracts that include DBE contract goals has been modest historically. Various factors have affected this including litigation.

In the recent past, WSDOT has been implementing many DBE Program Reforms and renewing our commitment to the DBE Program. A determination has been made that an increased focus on DBE utilization within the consultant program is appropriate and necessary.

Agreements Affected

All federally-assisted and potentially federally-assisted A&E consultant agreements, supplements, task orders or task order amendments over \$250,000 shall be evaluated for a DBE goal as described below.

DIRECTION

General

Effective immediately, for any proposed Agreement, Supplement, Task Order or Task Order Amendment in excess of \$250,000 that utilizes federal funds, the State's Scope of Work and Estimate (along with the Work Order Authorization) shall be sent to the HQ Consultant Services Office (CSO) for evaluation of DBE goals. For existing agreements, communication with CSO should commence no later than during development of the State's Scope of Work and Estimate and prior to final negotiations. CSO will coordinate with WSDOT's Office of Equal Opportunity (OEO) as they will be responsible for setting the DBE goal for the project. Goals are set based on potentially subcontractible items within the Scope of Work.

Potential for future federal funding should be identified and communicated prior to contract procurement. Using federal dollars to fund a consultant agreement after it is executed without a goal reduces WSDOT's ability to meet our established DBE goals.

On-site reviews shall be performed by WSDOT staff for all DBE sub-consultants whether there is a DBE goal on the contract or not. These reviews will be documented on Form 272-051. Completed forms shall be sent electronically to CSO.

All payments to DBE consultants on existing agreements shall be captured using DOT Form 271-056 EF and sent to CSO as requested. The same form will also be required at the end of the project as final documentation of amounts paid to DBE. All new agreements will use the electronic DBE payment system for monthly and final reporting as set for in the contract terms and conditions.

All communication with the Office of Equal Opportunity (OEO) regarding the DBE program and consultant contracts shall begin with CSO.

ACTIONS REQUIRED

All Divisions

Work in close cooperation with the CSO in fulfilling expectations described in this memorandum.

Consultant Services Office, Development Division

Update the Consulting Services Manual to properly reflect the expanded focus on DBE goal setting, and procedure thereto, for consultant contracts. Facilitate communication and coordination with the OEO.

Regions

Contact CSO regarding all task orders, amendments or supplements over \$250,000.

LL/JC/mbn

cc: Region Project Development Engineers
Region Construction Engineers
Region Program Managers
Region Traffic Engineers
Chris Christopher
Jeff Carpenter
John Nisbet
John Milton
Jay Alexander
Kara Larsen
Kathleen Davis
Don Peterson, FHWA