



DEPARTMENT OF TRANSPORTATION
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MEMO TO: Local Public Authorities Administering Federal-Aid Projects Under Approved Project Administration Procedures – Cities of: Wichita, Overland Park, Olathe, Lenexa, Shawnee, and Leawood

FROM: Larry W. Emig, P.E., Chief
Bureau of Local Projects

DATE: March 11, 2004

SUBJECT: Clarification of Procedures for Approval of Disadvantaged Business Enterprise (DBE) Involvement in Locally Administered Federal-Aid Contracts

RE: BLP Memo 04-07
[This is a supplement to the Project Development Manual for Non-National Highway System Local Government Road and Street Projects]

All federal-aid projects are subject to legislative and regulatory DBE requirements. The project procedures we have approved for your local administration of non-NHS federal-aid projects include procedures for complying with these requirements. In order to assure maintaining federal aid eligibility, these procedures must be followed.

We have recently experienced some problems with the DBE compliance on several locally administered projects, including the establishment of appropriate DBE goals, and the review and approval of the proposed DBE contractors. In an effort to assist in this process and avoid future problems, we are providing the following clarification of the procedures.

1. KDOT's External Civil Rights Administrator (ECRA) (currently Sandra Greenwell, FAX (785)296-0723) will establish the appropriate DBE goal for a project. Prior to advertisement, a detailed estimate should be submitted via fax to the ECRA who will determine if a DBE goal is needed for the project and, if needed, what the dollar amount of the goal will be. The DBE goal sheet will be included in the contract.
2. After the bid letting, the LPA should check the KDOT's directory of approved DBE contractors (available either by request from KDOT or electronically on the KDOT web site at <http://www.ksdot.org/offengsupp/direct.htm>) to determine whether the proposed subcontractor is an approved DBE in Kansas.

3. FAX all DBE goal sheets with a bid tab of all contractors to KDOT's ECRA as soon as practicable after the letting for an immediate review and recommendation on how to proceed.
4. If the DBE goal is not met or exceeded, the apparent low bidder has 48 hours to provide the ECRA its written documentation of a good faith effort to meet the DBE goals prior to bid opening. If the good faith effort documentation is accepted, the contract process can proceed. If it is not accepted, then the second low bidder will be reviewed for compliance.

If you are not currently following these procedures, please implement them immediately on all of your locally administered federal-aid projects. If you have any questions, please contact Ron Seitz at (785)296-3861.

cc: Dean M. Testa, P.E., Chief of Construction and Maintenance
Sandra Greenwell, External Civil Rights Administrator