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<b>DBE COMPANIES</b>							
12/19/10	Company 1				Change orders that don't get on monthly pay estimates creating cash flow issues.  Primes who only make payment to subs based on when they get their payments from ITD.		
12/20/10	Company 2				Slow or lack of payment by ITD to Prime which causes slow or lack or payment to subs.  Lack of ability for a sub to control billings and payments.		
12/21/10	Company 3				Lack of payment by prime when they have been paid by ITD. Unresponsive to calls and messages by project managers and ITD.		
12/29/10	Company 4	Have never (not one time) been successful in securing engineering work as a DBE.		Concluded ITD does not have a commitment to DBE utilization. ITD is committed to continue working with same group of consulting firms that have dominated the ITD engineering market for years.	Term Agree List - After 10 years of professional practice ITD determined my firm was not qualified to be on Term Agree List.		
1/7/11	Company 5		Supportive Services has many positive purposes but is not effective in capturing actual contracts for DBE const co.			Boost contract sales to DBE companies.  Give primes a discount	

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						on their bid price for utilization of DBE firms based on the DBE contracted dollars or give primes a reimbursement at the end of the project based on actual work contracted to DBE firms.	
2/3/11	Company 7	Like the reciprocity with other states due to the cost of bidding work in other states may need to leave Idaho to get work.		In Idaho was told preference towards DBEs would be discriminatory in Washington they are reaching out to DBEs.			Communication is key to getting work. DBEs need to know how to market themselves to the right people.
3/10/11	Company 8	ITD is doing a good job with the program	Everything ITD provides is great				
3/14/11	Company 9	DBE status has helped us greatly to get big construction jobs outside of Idaho.					Company hardly works in Idaho anymore but getting work all over the US.
<b>NON-DBE COMPANIES</b>							
1/20/11	Company 6	No requirements no DBE so need incentive either a goal or extra points.  Consultants don't go after DBE due to time and cost unless it is required. Even Cities and counties only use DBEs if there are goals.  Large DBE companies use	Supportive Services is not really needed by large DBE consulting firms.		Design jobs being put out then pulled back to ITD, cancelled or big consultants get the work. This is wasted time and creates situation where companies are hesitant to go after other jobs because they cannot recoup these costs.	Need goals on LHTAC projects.  A mentor/protégée program would be good but need incentive for the primes. This could help DBEs and maybe be funded with OJT funds.  In the Federal sector	Firm looking at a sister company to do construction side of projects in Design/Build.

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		<p>the DBE status more for marketing in states with project goals</p> <p>New companies especially need a conscious program.</p> <p>In states with project goals see big primes building relationships with DBEs in order to meet goals.</p> <p>DBE goals help consultants be more competitive and encourage them to help smaller firms grow and this helps the economy by spreading the money out. In states with goals primes fight over DBE firms.</p>				<p>mentor/protégée programs have been good and bad. Department of Defense has a really good one.</p> <p>Could use successful DBE firms as mentors to new DBEs.</p>	
<b>DBE FOCUS GROUP MEETINGS</b>							
3/8/11	Coeur d'Alene 1 company in attendance	<p>Being used without goals primes don't want to have to purchase equipment to do work items (not cost effective for primes)</p> <p>Project goals were good did generate more work for company.</p>	<p>Loves DBE Supportive Services – Liz is great – loves the reminders on services – being able to contact DBE/SS to find out what to do when there are problems (like lack of payment) – getting plans for free is great – likes Debby's follow up to see if they got the job – gets fast responses to questions.</p>		Retention – lack of payment – cash flow	<p>On ARRA projects was required to sign a sub contract pay estimate each month would like to see this done on all jobs. This helped to eliminate problems of work being left out of estimate because subs could review when signing off.</p>	<p>Even with competition getting work feel this is healthy competition.</p> <p>Work is slow so have picked up work in Washington which required company to sign a Union project agreement have no problems with this.</p>

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			Plan holders list has helped them to get work – newsletter is helpful – loves e-mail they receive on primes looking for subs.				
3/15/11	Boise 4 companies in attendance	<p>Feel there is no backing from FHWA to use DBE firms they get e-mails from primes asking if they will bid jobs and this is considered as a Good Faith Effort (GFE).</p> <p>Primes don't even know they are DBE when they get on jobs. Idaho is 1 of only 2 states with no DBE project goals.</p> <p>New rules will have some positive and negative impacts.</p>			<p>A lot of primes are having problems competing with out of state companies.</p> <p>Primes are telling DBEs that the only way they can compete is to self perform.</p> <p>Getting paid is a problem this is being held up in ITD residency. Some companies have had to file claims on this. Seeing this in more than one district – constantly fighting for money.</p> <p>8A jobs are now bid by 8A companies and this is creating competition. National Guard project had 13 bidders and 11 were from Alaska. These jobs don't allow non-8A companies to bid.</p> <p>Non construction companies do not see the benefit of getting work due to their DBE</p>		<p>Some DBE firms have stopped giving bids to companies that get their numbers then decide to self perform work.</p> <p>Boise airport project funded through bonds and they say they don't have to worry about DBEs because of this. Seen this in the past where Boise airport won't use federal funds but applies for federal funds to pay back on bonds. Airport says because of this they don't have to include DBE requirements.</p> <p>Local projects are finally seeing less companies bidding. Still seeing really low bids (buying projects) an example was a drain project</p>

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					<p>status. Small Survey companies cannot compete with in-house self performers</p> <p>Engineering company stated a big barrier is plans being done out of state that don't fit the job. When they go out to survey it won't be the same as what is in the plans and then the residency doesn't want to pay the additional cost to fix this so the sub gets stuck with redoing the surveying at their expense. This has been mainly on the ready to go projects that were funded with the ARRA money. Lack of information from ITD on ways to perform is a barrier, example is topo when asked about was never told could use Engineers topo form the plans. These types of issues create problems especially when the topo is wrong in the plans. In one situation where the topo was wrong in the plans a company was told by ITD to figure it out. (plans topo was done by fly over and were wrong)</p>		<p>where the pipe would bid at \$12 and it was bidding at \$4.47.</p> <p>Things are still really tight and lots of out of state bids.</p> <p>Getting calls for just labor work like laying riprap. Others are getting calls for products but the primes don't want them to perform.</p> <p>One company stated that they don't like to file on the prime bonds because they believe that will cause them not to get any additional work with the prime.</p> <p>Stated low bid is not always the answer – quality of work and getting job done on time or sooner can be the better bid even when higher.</p> <p>One company stated</p>

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					Have had primes make subs share in liquated damages due to the primes mistake.  Companies not getting paid additional money when change order adds work to their items.		that after 35 years in business don't even know how to bid anymore in current climate.
5/4/11	Rigby 1 company with 3 attendees	No incentive to companies if program stays neutral. What is the prime's incentive to use DBEs?  If there were project goals the primes would use DBEs.  Lack of goals does not allow small consultants to expand knowledge and experience because they are not being used.  For DBE firms, a positive impact, when there were goals on projects) is the availability to compete for work that firms may not be able to compete for otherwise. For small firms, these jobs can make the difference between making it through a year or not. A positive outcome for ITD is	Although our DBE firm has a more mature business infrastructure than most DBEs, we have received great benefit from the ITD Supportive Services Program. Specifically help understanding the program, industry contacts and leads for upcoming work both inside and outside of ITD programs. The training and re-imburement programs have also been of great benefit to us.	Big consultant companies tell them they don't have to use DBEs due to no goals. These companies are only giving away work that cannot be done in house or they won't make money on. Companies actually say that they are not going to use DBEs because they don't have to.  While we have not felt that there has been discriminatory actions affecting opportunities on federal aid projects, firms starting out usually have the chicken and egg scenario to deal with – it is difficult to win work without a significant amount of “similar” experience and you can't build up experience without winning the work.	Seeing big companies now going after small jobs which normally would be left for small businesses. Banks aren't providing any lending to consultants right now. Non-DBE firms typically do not have great difficulty in acquiring bonding and they can absorb reasonable delays in cash flow. DBE firms, however, do encounter bonding and insurance challenges from time to time. Form a practical standpoint; it is difficult for ITD to help address this issue. Since bonding and insurances are needed in order to mitigate project risk from the owners perspective, the option seems to narrow down to primes carrying the bonding and insurance costs of the project, which further diminish their	Classes on how to respond to a Request for Proposal.  Believe they will not see many new DBEs due to no goals because the application is so big.  Maintaining a lower work experience threshold for newer DBE firms will be advantageous to the program in the long-run; however, we understand the risk to owners with a reduced qualifying threshold.  Would like to see a Mentoring program. - Seen programs where the mentor is paid. - Seen programs	Believe it is easier to specialize in construction vs. consulting (example is traffic control). Also, big consultants don't want to help small consultants to become bigger because they will then be in competition with them.  It is difficult for a DBE to get work in the engineering field whether it is in design or construction as discussed in No. 3 above. (Whether or not discrimination has affected the opportunities of DBE and/or non-DBE competing for work on federal-aid projects.

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		<p>that, over time, a broader base of service providers becomes established; which in turn helps to keep the marketplace competitive. The highway construction industry benefits as a whole, since more productive firms in the mix results in more ideas, alternative solutions and ultimately more cost competitive projects.</p> <p>A potential negative impact, from the non-DBE firms' perspective, is they are required to outsource a percentage of the project work in order to meet project goals – which in turn reduce their overall profit per project. A potential negative impact for DBE firms is to put time, energy, and money into becoming DBE certified and then not have opportunities to utilize the certification because unless it is a hard requirement, larger non DBE firms will not voluntarily utilize DBE.</p>			<p>profits and adds risk since they carry costs for work that they do not perform. They can, however, cover that in their teaming agreements. The issue is normally not that the smaller firms are reluctant to obtain and carry bonding and insurances – it more an issue of availability of coverage and the rates charged to do so. Cash flow can be an issue for smaller firms, particularly when having to purchase materials “up front” and hold them long enough to mobilize them to site, install them, invoice work for a period and then eventually receive payment for materials installed. Payment for approved materials on-hand may help alleviate this issue.</p>	<p>that allow the mentor to team with the protégé.</p> <p>Unless it is mandatory, ITD will continue to experience difficulty in achieving goals. Neighboring states set mandatory goals in the 10 – 15% range. Some cities and public organizations in regional metropolitan areas set DBE participation goals as high as 20%. Contractors that do not submit proposals that include DBE's to cover 20% of the work simply do not get selected for bids with those entities (City of Portland and TriMet for example). We have seen the mandatory goals in neighboring states help to establish a vital DBE community and many small firms have had the opportunity to grow, diversify, and leave the DBE program on a successful business</p>	<p>(Specific situations)) The subcontracts tend to be for the environmental portion in design projects and traffic control or stormwater work in the construction end.</p> <p>ITD (FHWA?) sometimes adds funds to projects for on the job training (OJT) for engineers in training (EIT). This might be an avenue to implement a mentor-protégé programs so DBEs can get the experience needed to grow into a more complete engineering company. The Small Business Administration and some federal agencies use mentor-protégé programs as a means to develop small businesses. There are benefits for both the mentor and the protégé that serve as incentive for program participation. This is</p>

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		The negative consequence for the DBE program is reduced interest.				<p>curve.</p> <p>If meeting of established goals for DBE participation is not required, ITD will see very few new DBEs entering the program and a continued decline in participation from existing DBEs. The process to get certified as a DBE is not an insignificant undertaking for a small business and it can pull valuable resource away from marketing and executing projects. Without the establishment of required goals, there is no incentive for small businesses to enter the DBE program – why spend money getting certified if the probability of getting any revenue out of it is slim to none? And if the prime contractor has no incentive to give work to DBEs – why would they willingly give up their</p>	<p>part of the issue listed in Nos. 3 (Whether or not discrimination has affected the opportunities of DBE and/or non-DBE competing for work on federal-aid projects. (Specific situations)) and 5 (Barriers encountered by DBE and/or non-DBE (Bidding projects, performance of work, getting bonding, cash flow, etc)).</p> <p>There also needs to be some sort of incentive for a company to train their competition.</p>

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						own revenue?  However, to borrow a line from a Kevin Costner movie, "if you build it – they will come" if ITD establishes meaningful goals for DBE participation so the at the probability of DBEs obtaining revenue is higher, ITD will see an increase in DBEs entering and participating in the program.	
<b>NON-DBE FOCUS GROUP MEETINGS</b>							
3/9/11	Coeur d'Alene 3 companies in attendance	Causes higher bids to be used due to DBE requirements on projects in conscious program.  Concerns on if goals come back (especially on consultant agreements) is not knowing who the DBEs are, quality of work, etc.  Program creates a windfall for well run, successful companies that never needed any help in the first place. These companies		Industry is based on capitalism and if good business then company will get work.  Program is government mandated discrimination that uproots and sets aside the competitive bidding system.  No discrimination based on race, color, gender or anything else. Award is based on low bid and can they perform the work.	Companies that graduate from program are still out but no longer help to meet goals.  Project goals in Washington have caused company to lose bids when they were lower. Provided data showing project where their bid was \$867,100 and DBE (that was used) was \$1,071,749 a difference of \$204,649 Also, stated that the DBE company was as large as or larger than their company and has been in business for 30	Request that Idaho follow the 9 <sup>th</sup> circuit decision and end this government discrimination and continue with a race neutral program.	Believe that companies that are well run do just fine and are competitive and get work.  Everyone is business people and things right now are extremely competitive.  Companies' will self perform if they can but will use others when needed.

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		then crush the smaller DBE firms and force them to fail.			years. Wonder why this DBE needs program.		
3/16/11	Boise 2 companies in attendance	<p>Believe project goals benefit DBEs at the expense of non-DBEs</p> <p>Feels some DBE firms are not in the program legally and should be removed.</p> <p>Program has allowed some DBE firms to become so powerful they make barriers for the non-DBE companies.</p>			<p>Current funding on consultant/construction is becoming less and work moving more to maintenance projects.</p> <p>Seeing a lot of out of state companies coming into Idaho – more striping companies in last 6 months than in last 10 years.</p> <p>Districts doing their own work (such as striping) Durable pavement markings on all turn bays from St Mary to the Nevada border recently let as one project. Out of state company got this due to no in state companies being able to do the durable pavement marking. Local companies cannot afford equipment.</p> <p>Cost of materials is up example is water board paint which is up to \$10 from \$8.66 from June of last year. Hear this is going up again to</p>		

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					<p>\$10.75 a gal.</p> <p>Material costs and lack of availability is a major issue right now. Esta resin comes from Asia and was unavailable last year and there are other types of materials like MMA that is also becoming scarce.</p> <p>Idaho spec on paint is highest seen must be 1,000 scrubs where as Oregon is only 800.</p> <p>CIP caused work to really go down on the consultant side – company stated that they currently have no term agree work with ITD but, has pick up some work through LHTAC. Also stated that district work has dried up.</p> <p>Consultants believe they will see more companies going out of business or cutting back due to no money.</p> <p>The fact that during the next 5 years federal money will be used to pay on the GARVEE with little left to maintain roads.</p>		

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					More competition – up until this year was only certified striping company in south central Idaho – now there are 2 and one is a DBE. When project goals come back believe Idaho will use DBE over him.		
5/5/11	Rigby 2 companies in attendance	<p>Positive items are: small business gains valuable experience and are able to develop new relationships.</p> <p>Negative items are: possible higher costs for owners having to meet goals, higher risks for primes using DBE's, subcontractors with less experience and fracturing relationship by not using the qualified low bidder.</p> <p>DBE program causes problems because primes don't know if competitors are playing by the same rules. Asked if ITD monitors enough to make sure all primes are in compliance.</p>	<p>Positive items are: it helps DBE's to be better prepared to accomplish the work, gives primes greater confidence in DBEs, makes so the prime does not have to provide as much assistance to the DBE during the bidding process.</p> <p>Negative items are: Costs are associated to provide the programs and training.</p> <p>Has helped to get DBEs to follow specifications</p>	<p>Required goals for DBE's on specific projects sometimes force prime contractors to choose a DBE even if they are not the lowest competitive quote. Maintaining DBE status after becoming established may take business from others.</p> <p>Project specific goals can cause primes to have to use the higher bidders which make the prime discriminate against the lower bidders.</p> <p>Feel that set-a-sides do cause discrimination against non minority/female companies.</p>	<p>Having a big enough pool of qualified DBE firms.</p> <p>More small companies bidding on the commercial side that could be certified but don't pursue. Some companies; like Walmart, Albertsons, and others are now requiring tracking of diversity of subs.</p> <p>Work for Bureau of Land Management and Forest Service are now requiring that primes conduct outreach to minority/female subcontractors.</p> <p>Seeing bonding and banks getting tight and this will weed out some of the companies who need to go. This also is making primes nervous about working with</p>	<p>We would like to not have project specific goals.</p> <p>Mentoring would help to build competitive companies even if they end up having to bid against them. Also, suggest using business students as mentors.</p> <p>Projects goals would be determent because a goal might not be attainable. Primes like the neutral program and feel it is working.</p>	

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					some companies. Primes don't want to end up holding the bag.		