

# DBE News

Published by the Idaho Transportation Department

December 2008 Volume XVIII No. 3



Where in Idaho is this? See page 2

## What is a DBE?

A DBE is a small, for-profit business concern that is at least 51% owned and controlled by socially and economically disadvantaged individuals. The US Department of Transportation's (USDOT) DBE Program is designed to foster equal opportunity for minority, female and disadvantaged business owners on federal-aid transportation projects, and for helping them improve their business efficiency and flexibility.

This monthly newsletter is published by the ITD's DBE Supportive Services as an informational and educational resource for DBEs, contractors, consultants and federal-aid agencies on EEO, procurement and business issues. If you'd like to receive this newsletter regularly, please con-

— **Liz Healas, Editor**



## Prompt Payment Procedure is Revamped

*With or without DBE project goals, the Prompt Payment Provision is still in force (and not just for DBEs — for ALL subcontractors, subconsultants and suppliers). However, the system of payment verification has become a bit more streamlined.*

The Idaho Transportation Department (ITD) Construction Administration

By Julie Caldwell, EEO  
Contract Compliance Officer

**Contractors within the required 20 days of receiving payment**

**from ITD.**

Section recently implemented a change on how companies report prompt payment, in response to a request by the Associated General Contractors (AGC).

At this point, the contractor only certifies that payment has been made and does not provide any details.

This change was developed through a joint effort between the Construction Administration Section, the External EEO Office and the Federal Highway Administration (FHWA) and has been endorsed as an efficiency measure by the ITD Director.

But at the end of the project, the contractor is required to report *all* subcontractors, suppliers and manufacturers used on the project and the actual payments made as a one-time submission.

**The new process requires that prime contractors certify once per month that they have paid all subcontractors, suppliers, and manu-**

If contractual issues arise and the prime contractor elects to withhold payment from a subcontractor or supplier after requesting payment from

*(Continued on page 5)*

**Inside ...** Exciting new Consultant Services ... DBE Cert Renewals ... January Trainings ... Your Own Private EEO Training ... SBA Targets Boomers ... Busted! Tales from the OIG ... USDOT Bonding Program RIP ... ITD Procurement Info ... TRPTA Announces 2% DBE Goal

## DBE Supportive Services

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E-mail: [elizabeth.healas@itd.idaho.gov](mailto:elizabeth.healas@itd.idaho.gov)

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Toll-Free Number (800) 634-7790

TDD/TTY (208) 334-4455

Visit us on-line at [www.itd.idaho.gov/civil/external.htm](http://www.itd.idaho.gov/civil/external.htm)

Office Location & Mailing Address:

3311 W. State Street, Room 300B / PO Box 7129, Boise, ID 83707

(Office Hours are 8am - Noon, 1pm - 5pm, Mountain Time)

## New Bidding & Estimating Consultants Available to Idaho DBEs!

*Need help with the bidding process? Understanding bid practices? Identifying and understanding scope of work? Developing estimates? Negotiating techniques, plans and strategies? We just might be able to help you out here.*

ITD DBE Supportive Services is excited to announce the availability of two new highly qualified, experienced one-on-one bidding & estimating consultants.

They will be available to work with DBEs on a one-on-one basis with estimating

and bidding techniques and strategies and general areas of contract negotiation.

Any certified DBEs located in Idaho are eligible for these services; they only need to contact Liz Healas to set the services

*(Continued on page 3)*

## Certification No Changes, Renewals Continue

*DBEs, you know how you look forward to “No Change” Affidavits and Three-Year Renewals. Don’t forget, they’re all due February 16.*

### No Change Affidavit Forms

This quick and easy form is for DBEs who either were initially certified — or completed their last full three-year renewal — since 2006.

If **no** changes have happened since your last certification or renewal that would affect your firm’s eligibility for the program,

just fill out the form, sign it, and have it notarized. It’s that easy and it’s that quick.

HOWEVER: If you **have had** changes since your last certification or three-year renewal that would affect your ability to meet all DBE eligibility requirements — ones that you have not already alerted DBE Supportive Services about — you

must attach an explanation of the changes, along with all supportive documentation.

DBE Supportive Services will analyze what effect, if any, these changes have on your certification eligibility.

### Three-Year Certification Renewal Applications

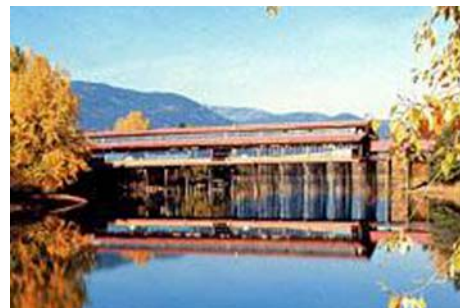
These are for firms whose last full certification or three-year certification renewal was in 2006. The certification renewal application asks for updates on everything from ownership to Personal Net Worth.

There will be a checklist attached of the documents that are necessary to send in with the application. Be sure that all items are included before mailing in the packet to us.

After we receive your signed and notarized affidavits or certification renewal applications (with all needed attachments), you will receive a certification letter and certificate for Calendar Year 2009.

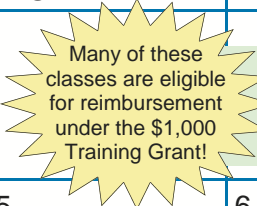


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Clue for this month’s “**Where in Idaho is This?**” (front cover). This ski resort began 70 years ago as a WPA road project. Its name goes back even further — a hundred or more years — with claim-salting shenanigans during the Idaho Gold Rush.



Answer to November Issue: **Sand Creek** in Sandpoint, Bonner County.

# Training Events in January

MON	TUE	WED	THU	FRI
	<p>Having problems finding the right kind of training? Call or e-mail us! We're very good at hunting things down!</p>		<b>1 New Year's State Holiday</b> 	2
5	6	<b>7 Confused about Biz Taxes?</b> Twin Falls ISBDC (208) 732-6455 <a href="http://www.csi.edu/isbdc/SBDC.html">www.csi.edu/isbdc/SBDC.html</a>	<b>8 Small Biz Start-Up Seminar</b> Pocatello ISBDC (208) 232-4921 <a href="http://www.idahosbdc.org">www.idahosbdc.org</a>	9
<b>12 How to Start a Biz Boot Camp</b> Lewiston ISBDC (208) 792-2465 <a href="http://www.idahosbdc.org">www.idahosbdc.org</a>	<b>13 QuickBooks - Getting Started</b> Lewiston ISBDC ( <i>contact info left</i> )  <b>Biz Basics: How to Start Your Own Biz</b> Ontario TVCC BizCenter (541) 881-8822 ext. 356 <a href="http://commonsport.tvcc.cc/Academics/BizCenter">http://commonsport.tvcc.cc/Academics/BizCenter</a>	<b>14 QuickBooks - Accts. Payable, Receivable &amp; Other Record Keeping</b> Lewiston ISBDC ( <i>contact info left</i> )  <b>Managing Your Biz Finances I</b> Post Falls NIC Workforce Trg Center (208) 666-8009 <a href="http://www.idahosbdc.org">www.idahosbdc.org</a>	<b>15 Managing Your Biz Finances II</b> Post Falls NIC Workforce Trg ( <i>contact info left</i> )	<b>16 Managing Your Finances</b> Post Falls NIC Workforce Trg Center ( <i>contact info left</i> )
<b>19 Idaho Human Rights Day</b> State Holiday 	20  <div style="border: 1px solid black; padding: 5px; width: fit-content;"> <b>Basic Civil Plans Reading</b> Spokane AGC (509) 535-0391 <a href="http://www.nwagc.org">www.nwagc.org</a> Jan. 20 &amp; 21           </div>	<b>21 Small Biz Resource Orientation</b> Boise Small Biz Success Center (208) 472-5258 <a href="http://www.boisechamber.org/smbusiness">www.boisechamber.org/smbusiness</a>	<b>22 Thinking of Starting a Biz in Idaho?</b> NIC Ponderay Center (208) 666-8009 <a href="http://www.idahosbdc.org">www.idahosbdc.org</a>	<b>23 Managing Your Operations for Profit</b> Post Falls NIC Workforce Trg Center ( <i>contact info above left</i> )  <b>Flagger Certification</b> Ontario TVCC BizCenter ( <i>contact info above left</i> )
26	<b>27 Credit &amp; Collections for Small Biz</b> Lewiston ISBDC ( <i>contact info above left</i> )  <b>Basic Tax Requirements</b> Lewiston ISBDC ( <i>contact info above left</i> )	28	<b>29 Thinking of Starting a Biz in Idaho?</b> Post Falls NIC Workforce Trg Center ( <i>contact info above left</i> )	<b>30 Planning for Biz Success</b> Post Falls NIC Workforce Trg Center ( <i>contact info above left</i> )

(ONE-ON-ONE, Continued from page 2)

in motion.

She will give the referral to one of the consultants; the consultant will then contact the DBE for more specifics on the assistance needed, and to set up a time and date for a meeting (unless the assistance can be provided over the phone

and e-mail).

After the assistance is provided, the consultant bills DBE Supportive Services for the services provided. And the DBE will be asked for feedback later on how helpful the consultant was.

The consultants will *not* be available for preparing bid estimates for specific pro-

jects for DBEs. What we're aiming for here are DBEs walking away with new, invaluable skills for competing for high-way construction projects.

In the January issue, we'll go more in depth of the qualifications of our consultants. In the meantime, call or e-mail us if you'd like to learn more, or would like to request a consultation.

## Need EEO Training? We Can Hook You Up!

*How does your company provide EEO Training? (IS your company providing EEO Training?) If you're on shaky ground here, ITD can come to your rescue.*

Many companies struggle with providing training to their employees in the EEO areas. ITD's External EEO Office (EEO Office) can help.

One of the services that the EEO Office can provide is training to company employees. This training can take place during a company's annual meeting and then be counted as part of your company's dissemination of EEO information to managers and supervisors which is required by Federal regulations.

The training takes approximately one hour and gives basic information on all of

By Julie Caldwell, EEO  
Contract Compliance Officer

the EEO areas that your managers and supervisors should know. The training is done in a format that allows interaction with the trainer and allows the employees to ask questions and voice concerns.

In addition, the EEO Office can provide training on preventing discrimination and harassment which also takes about hour. This training is also provided in a manner that allows that important interaction.

If your company would like to take advantage of this valuable opportunity, contact the ITD EEO Office at (208) 334-4442 or (208) 334-8458.

how to devise a plan of action at every phase of business development.

This was the first new offering under the structure of the re-launched Office of Entrepreneurship Education (OEE). OEE combines SBA's online education programs, business and community initiatives, and outreach to underserved markets under a single umbrella.

As baby boomers consider career and lifestyle shifts that extend beyond their work careers, tapping into the world of business ownership can allow them to leverage their flexibility, know-how and business acumen to go into business for themselves. Many have already joined the ranks of the nation's self-employed and small business owners.

*(RENEWALS, Continued from page 2)*

**All "No Change" affidavits and certification renewal applications are due February 16, 2009.**

Anyone who fails to provide their affidavit or certification renewal application in a timely manner "will be deemed to have failed to cooperate" according to DBE regulations, which may result in removal of certification.

**DBEs who have had their certifications removed will be required to undergo the full application process again if they wish to have their certification restored.**

In the meantime, they will not be counted as certified DBEs in the State of Idaho.

So it's really important that you submit these forms by the February 16 deadline, or arrange for an extension.

If you have any questions about your "No Change" Affidavit or three-year certification renewal application, call DBE Supportive Services at (208) 334-4442, or toll-free at (800) 634-7790.

## New SBA Online Resource for Baby Boomers

The U.S. Small Business Administration (SBA) is now offering a new website geared to the 50-plus entrepreneur, providing useful information, links and resources vital to starting, growing and expanding a small business.



Check out Eddie Haskell, *The Beaver* & Wally: *Gee whiz, they're OLD.*

of their business development through better technology tools and effective services through the agency's district offices and resource partners," SBA Acting Administrator Sandy K. Baruah said. "We believe 50-plus entrepreneurs will drive significant new business growth in the coming years."

The new website at [www.sba.gov/50plusentrepreneur](http://www.sba.gov/50plusentrepreneur) features interactive information and links to help 50-plus entrepreneurs consider the benefits and rewards of business ownership, and to help them make informed choices about business ownership.

"The SBA is working hard to increase opportunities for small businesses of the baby boomer generation at every stage

Components of the new website include a self-assessment feature to help the aspiring entrepreneur determine his or her business readiness, information on borrowing and credit, and inspirational success stories from baby boomer entrepreneurs. The website will help users evaluate the reasons for business ownership after age 50, the risks involved, and

*(PROMPT PAYMENT, Continued from page 1)*

ITD, that withholding is documented on the new form and approval is requested.

The Resident Engineer will review the request and if approved the new process allows ITD to adjust for the non-payment on the next payment to the prime.

The adjustment, in effect, removes the money from the prime and puts it back into ITD's hands. Once the issues are resolved, then the prime can again request payment.

Keep in mind that the situation described above is expected to be an infrequent exception of the standard practice. Normally the prime does not request, and ITD does not approve, payment for sub-contracted work items that do not meet with ITD's approval.

However, there are infrequent occasions where some things slip through and it is not apparent until after ITD has made payment to the prime.

ITD has made a specification change to implement the new process and this will be included in the "pinks" of all future contracts.

In addition, ITD is processing change orders for this process into all current contracts.

The new forms (ITD-2892 for monthly certification and ITD-2921 for project completion certification) can be obtained through the ITD Residencies.

These requirements shall also apply to first or lower tier subcontractors or suppliers.

Any questions regarding the new process can be directed to the ITD Construction Administration Section (208) 334-8402 or the ITD External EEO Office at (208) 334-8458.

## Busted! Tales from the OIG

### Massachusetts Road Construction Company Pays \$900,000 to Settle Civil Case

On November 3, PA Landers, Inc., a Massachusetts road construction company, agreed to pay the US government \$900,000 to settle Civil False Claims in connection with a conspiracy to defraud the Commonwealth of Massachusetts by generating false

and inflated weight tickets for truck loads of asphalt on federally-funded road paving contracts from 1995 until 2003.

The civil complaint alleged that PA Landers' president, Preston Landers, vice president, Gregory Keelan and other company managers used an override device in the asphalt plant's computer to inflate asphalt weight tickets.



*More from the criminal files of the Office of the Inspector General: An asphalt jungle of false weight tickets!*

The civil case is the culmination of the DOT/OIG's investigation that resulted in PA Landers and both Preston Landers and Greg Keelan being found guilty by a jury in May 2007 in U.S District Court in Boston, MA.

In August 2007, PA Landers was sentenced to four years probation and a \$3 million fine, while its former President, Preston Landers, received 42 months imprisonment and its former vice president, Greg Keelan, received 30 months imprisonment.

The case was prosecuted by the United States Attorney's Office in Boston.

## 2009 Bidders Registration: A Whole New Year!

*This is an annual requirement. So if you registered for 2008 (even recently), you still must register for 2009.*

Attention Bidder:

Federal Regulation 49 CFR 26.11 (c), states, "[State DOTs and other recipients] must create and maintain a bidders list, consisting of all firms bidding on prime contracts and bidding or quoting subcontracts on DOT-assisted projects."

Each year for every firm, the following

Download your **Bidders Registration Forms** at [www.itd.idaho.gov/civil/dbefirms.htm](http://www.itd.idaho.gov/civil/dbefirms.htm). Use the regular form for first-time registration; use the update form if you've registered with ITD previously.

information must be included:

1. Firm name;
2. Firm address;
3. The age of the firm;
4. Range of the firm's annual gross receipts;
5. Type of business;
6. The ownership status of the firm;

*(Continued on page 8)*

## Final Installment to the USDOT Bonding Program Cliffhanger!

*Remember the USDOT Bonding Program? The one that was suspended several years ago? Well, condolences are now in order.*

Several years ago, the USDOT provided a **Bonding Guaranty Program** to assist DBEs in obtaining bid, payment and performance bonds for transportation-related projects.

It provided an 80% guarantee against losses on contracts up to \$1 million. Participating sureties performed the actual bond approval and issuance.

For various reasons (we're not really clear what those were, but it's a moot point anyway), the program was suspended sometime around 2002.

The USDOT Office of Small and Disadvantaged Business Utilization (OSDBU) tried for some time to get the program going again. But ultimately it was found that the USDOT Bonding Guarantee Program duplicated another bonding program being administered by the US Small Business

Administration (SBA). For many more details on this program (as well as application forms and lists of participating sureties), visit the SBA's **Office of Surety Guarantees** webpage at [www.sba.gov/aboutsba/sbaprograms/osg](http://www.sba.gov/aboutsba/sbaprograms/osg).

Duplication equals waste, so the USDOT Bonding Program went on the chopping block. It has since been audited and closed out.

So what should DBEs do now? If they've been unsuccessful in securing bonding on their own, the **SBA Surety Bond Guarantee Program** may be a viable alternative.

This are actually two guarantee programs: the first is the **Prior Approval or SBG Program**, and the second is the **Preferred or PSB Program**. (See the OSG website for more information on their differences.)

And the SBA does not issue bonds directly to small business contractors -- what it does is provide a guarantee for bid, performance, and payment bonds

issued by participating surety companies.

It's up to the contractor to first choose a regional participating surety company and establish a business relationship, providing the surety agent with necessary credit, capacity, and character information.

After the contractor completes the appropriate forms and accompanying information, the surety company processes and underwrites the application in the same manner as any other contract bond application. It decides whether to execute the bond with or without out the SBA's guarantee — or not at all.

Individual contracts of \$2 million or less are eligible for SBA's Bond Guarantee. Under the Prior Approval Program, SBA's guarantee is 90% if the contract is \$100,000 or less or if it is awarded to a socially and economically disadvantaged or HUBZone contractor. If not, the guarantee is 80%. Under the Preferred Surety Bond Program, the guarantee is 70%.

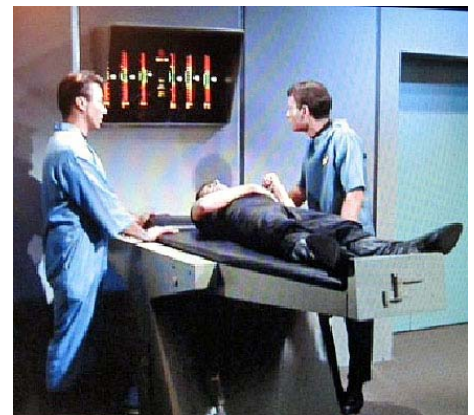
There is no limit to the number of bonds that can be guaranteed for any one contractor. And contractors do not need any formal certification (such as 8(a), DBE, SDB, etc.) in order to apply — the contractor just has to meet the federal guidelines for being a "small business."

### Refresh My Memory — What's a Surety Bond?

A surety bond is a three-party instrument between a surety, the contractor and the project owner. The agreement binds the contractor to comply with the contract's terms and conditions. If the contractor is unable to successfully perform, the surety assumes the contractor's responsibilities and ensures that the project is completed.

There are four types of contract bonds that may be covered by an SBA guarantee:

1. **Bid Bonds** guarantee that the bidder on a contract will enter into the contract and furnish the required payment and performance bonds.
2. **Payment Bonds** guarantee payment from the contractor to persons who furnish labor, materials equipment and/or supplies for use in the contract performance.
3. **Performance Bonds** guarantee that the contractor will perform the contract in accordance with its terms.
4. **Ancillary Bonds** are incidental and essential to contract performance.



*"It's dead, Jim."*

*The USDOT Bonding Program RIP*

Not all of ITD's projects open for bid are directly highway-related. Check out [www.itd.idaho.gov/business/business.htm](http://www.itd.idaho.gov/business/business.htm) (**Bid & Contract Information—ITD Goods & Services**) for bid openings on maintenance buildings, rest areas, sand sheds, mowing, and other services posted by ITD's Purchasing Section. And here's the great part: these notices now are hyperlinked to their plans and specifications!

## TRPTA Announces 2% DBE Goal for FFY09

Targhee Regional Public Transportation Authority (T.R.P.T.A.) is seeking public comments on its Disadvantaged Business Enterprise (DBE) Plan for the period running from October 1, 2008, through September 2009. T.R.P.T.A.'s DBE goal for the period is 2%.

The DBE plan is available for review at 1810 W. Broadway, Idaho Falls, ID. Arrangements for reviewing the DBE plan may be made by calling the administrative office at 208-535-0356. Written comments should be mailed to T.R.P.T.A., DBE Plan, 1810 W. Broadway, Idaho Falls, ID 83402. Public comment will conclude January 2, 2009.

## Don't See DBE Goals On ITD Projects?

**That's because we currently have a race/gender-neutral program with no individual DBE project goals.**

A 2005 Ninth Circuit Court of Appeals decision (*Western States Paving Co. v. State of Washington Dept. of Transportation*) has prompted all states affected by

*(Continued on page 8)*

## ITD Highway Construction Projects

For the quickest, most complete notification of these projects as they are put out for bid, visit ITD's **Contractor Information Page** ([www.itd.idaho.gov/design/contractors/contrinfo.htm](http://www.itd.idaho.gov/design/contractors/contrinfo.htm))

This excellent resource features *Notice to Contractors* (**available online only**), which alerts you to all upcoming federal-aid and state highway construction

projects let through ITD, and list specific details and quantities, the names of resident engineers, and a brief description of the work to be performed.

Also included is: *Quarterly Bidding Forecast*, *Planholder Lists* (updated daily), *Bid Result and Bid Abstract Information*, and *Contract Award Information*.

Looking for primes who are looking for DBEs? Check our **"Invitations to Bid"** page at [www.itd.idaho.gov/civil/invitations.htm](http://www.itd.idaho.gov/civil/invitations.htm) regularly for updates.



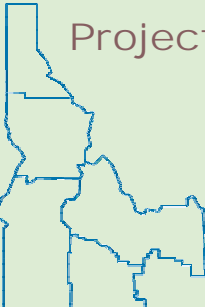
Sites, c. 1910

## Free Non-Bidder's Plans & Specs For DBEs

Idaho-Certified DBEs: remember to call DBE Supportive Services at (208) 334-4442 for *free* non-bidder's ITD Plans & Specifications if interested in bidding as a subcontractor.

Limit of ONE set of plans per project per DBE firm. A DBE Non-Bidders Plan Holders list can be found at [www.itd.idaho.gov/civil/planholders.htm](http://www.itd.idaho.gov/civil/planholders.htm).

### Project-Related Questions?

	<b>District 1</b>	<b>Coeur d'Alene</b>	<b>(208) 772-1200</b>
	<b>District 2</b>	<b>Lewiston</b>	<b>(208) 799-5090</b>
	<b>District 3</b>	<b>Boise</b>	<b>(208) 334-8300</b>
	<b>District 4</b>	<b>Shoshone</b>	<b>(208) 886-7800</b>
	<b>District 5</b>	<b>Pocatello</b>	<b>(208) 239-3300</b>
	<b>District 6</b>	<b>Rigby</b>	<b>(208) 745-7781</b>

*(BIDDERS, Continued from page 5)*

7. Firm's status as a DBE or non-DBE; and
8. Identification of work area locations.

All contractors, consultants and other participants who intend to bid and/or contribute on Idaho Transportation Department (ITD) federal-aid projects for Federal Fiscal Year 2009 must complete and return the enclosed form. This form must be submitted no later than by Decem-

*(NO GOALS, Continued from page 7)*  
this ruling — that included Idaho — to pursue their DBE participation through race/gender-neutral means until they have the results of a disparity study.

Our disparity study was completed in late 2007 and its findings were

ber 15, 2008, and should be submitted to: Idaho Transportation Department, EEO Office, PO Box 7129, Boise, Idaho 83707-1129

Companies that neglect to submit the enclosed form will be required to provide the information prior to the start of work and/or contribution on any ITD federal-aid project. Questions regarding the required information should be directed to Julie Caldwell, EEO Contract Compliance Officer, at (208) 334-8458. ●

incorporated into our FFY09 Annual Participation Goal, or APG. Per the recommendations of the disparity study, ITD will continue to pursue a race/gender-neutral program at this time. To view ITD's current APG, visit [www.itd.idaho.gov/civil/dbegoal.htm](http://www.itd.idaho.gov/civil/dbegoal.htm). ●

Idaho Transportation Department  
EEO Office—DBE Supportive Services  
PO Box 7129  
Boise, ID 83707-1129

## ITD & TITLE VI

The Idaho Transportation Department (ITD) is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. ITD assures that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ITD service, program, or activity. The department also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, the department will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency.

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