



## Rethinking DBE for Design Build

### EDC-7 State of the Practice/ Implementation Plan Form

The below table is meant to provide a means to define the implementation stages that will be used throughout the 2-years of EDC-7 deployment. These definitions are used when capturing your baseline, progress, and final reports for each of the innovations and were developed to provide consistency between states in measuring the deployment progress of an innovation.

| <b>Innovation Implementation Stage Definitions</b>   |   | <b>Guidance Questions</b>   |
|--|---|---|
| <i>*State is all-inclusive (e.g., state transportation agency, local municipalities, contractors, consultants)</i> |   | Prompt questions to help assess your current state of practice.<br><br><b>NOTE: Not all questions have to be affirmatively answered to meet any given stage; judgment is required; call the Deployment Team w/ questions.</b>   |
| <b>Not Implemented:</b>  | The State is not implementing this innovation.  | Has the State decided to not implement this innovation because: <ul style="list-style-type: none"><li>• The STA does not have legislation to use for design-build contracting?</li><li>• The STA implements the DBE program as Race Neutral?</li><li>• The STA does not have the resources (human, financial, or technological) to implement the innovation?</li><li>• The STA is not interested in learning more about this innovation at this time.</li><li>• The STA has concerns about open ended performance plans compliance with the federal DBE regulations?</li></ul>  |
| <b>Development Stage:</b>  | The State uses or plans to use DB contracting on their Federal-aid projects and operates a DBE race-conscious program but is not familiar with or, has not considered DBE open ended performance plans as a means of proposer commitment to the DBE goal. | <ul style="list-style-type: none"><li>• Does the State have an implementation champion or team?</li><li>• Does the State have an upcoming DB project?</li><li>• If the STA does not currently have legislation for DB contracting (or does but doesn't use DB on Fed-aid projects), is the State planning to enact legislation (or use on Fed-aid projects) for DB contracting?</li><li>• Is the State interested in learning about DBE open ended performance plans?</li><li>• Is the State willing to build support with external stakeholders (e.g., contractors, DBE community) for the use of this innovation?</li></ul> |
| <b>Demonstration Stage:</b>  | The State has an upcoming Design-Build project and is interested in piloting an Open-Ended Performance Plan (OEPP).   | <ul style="list-style-type: none"><li>• Is the State willing to implement a DBE open-ended performance plan on a DB project?</li><li>• Is the State's DBE team working closely with the Office(s) of DB project development?</li><li>• Does the State's leadership support a close working relationship between the Office of Civil Rights (DBE</li></ul>   |



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|---|---|
|   | <p>team) and other agency offices and consultant teams that develop, execute, and award DB projects?</p> <ul style="list-style-type: none"><li>• Has the State applied for, or received, grant funding (e.g., STIC, AID Demo) to pilot tools and techniques related to this innovation?</li></ul>   |
| <b>Assessment Stage:</b><br><br>The State* has used Open Ended Performance Plans on one or more DB projects and is interested in evaluating their process and procedures. | <ul style="list-style-type: none"><li>• Is the State considering OEPP as a standard practice in DB project development?</li><li>• Is the State ready to develop a draft template of contract language for to adopt the OEPP in the RFP for DB projects?</li><li>• Has the State collected feedback from stakeholders such as contractors and the DBE community on the implementation of the OEPP?</li><li>• Does the State plan to incorporate this innovation into their design manuals, standard details, contract language, guidance, or policies?</li></ul> |
| <b>Institutionalized:</b><br><br>The state has adopted the innovation as a standard practice and uses it regularly on projects.   | <ul style="list-style-type: none"><li>• Has the State successfully integrated all aspects of DBE OEPP on their DB projects (ITP, Evaluation criteria, Monitoring post award) in manuals, procedures, contract specifications?</li><li>• Is the State monitoring the institutionalized language and execution of OEPP to improve language in design manuals, contract provisions, specifications?</li><li>• Is the State consistently letting projects that use this innovation on a regular basis?</li></ul>  |

#### Deployment Team Contact Information

|  |  |  |
|--|--|--|
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*This is the information that will be collected in the EDC-7 Baseline Report for each innovation. The deployment teams will use this information to better understand which states to focus their technical assistance efforts over the next 2 years of EDC-7 deployment.*

*If your state does not want to advance this innovation over the next 2 years, we ask you to please indicate your current level of implementation and indicate your goal as the same level of implementation with "NO Assistance Anticipated from FHWA in Deployment" selected in question 5.*

| Baseline Questions (Due April 21, 2023):   |  |
|--|--|
| <p>1) April 2023 Baseline: At what stage of implementation is the state?</p> <p>Review the Implementation Stage Definitions on page 1 and select the appropriate stage for your state.</p>                         | <p>(Choice – Pick One)</p> <p><input type="checkbox"/> Not Implemented</p> <p><input checked="" type="checkbox"/> Development Stage</p> <p><input type="checkbox"/> Demonstration Stage</p> <p><input type="checkbox"/> Assessment Stage</p> <p><input type="checkbox"/> Institutionalized</p>   |
| <p>2) Current Status: Provide the current state of practice to support the above selection. Please note State DOT, local agency, and transportation partners status.</p>   | <p><i>We are currently in the discovery stages to develop methods to address the shortfall analysis for our Uniform Report. We have engaged Division of Highways and municipalities to find solutions to obtain our triennial aspirational goals. The current design build method of setting goals for DBE participation has historically yielded a low success rate of identifying DBE opportunities.</i></p>   |
| <p>3) Goal: What is the State's goal at the end of the next two year period regarding application of the OEPP?</p> <p>Review the Implementation Stage Definitions on page 1 and select from appropriate stage.</p> | <p>(Choice – Pick One)</p> <p><input type="checkbox"/> Not Implemented</p> <p><input checked="" type="checkbox"/> Development Stage</p> <p><input type="checkbox"/> Demonstration Stage</p> <p><input type="checkbox"/> Assessment Stage</p> <p><input type="checkbox"/> Institutionalized</p>   |
| <p>4) Implementation Plan Activities: Provide the proposed activities the State and their partners intend to perform to attain their goal.</p>   | <ul style="list-style-type: none"> <li>• Identify champion in Division of Highway and Office of Civil Rights.</li> <li>• Internal DOT meetings to obtain concurrence on developmental concept.</li> <li>• Meet with external stakeholders</li> <li>• Participate in peer to peer to learn about DBE open ended performance plans</li> <li>• Seek information from FHWA on DBE open ended performance plans</li> </ul>  |
| <p>5) Assistance Needed: What assistance can the Innovation Deployment Team provide to help the State and their partners reach its goal within the next two years?</p>   | <p><input checked="" type="checkbox"/> Training (e.g., NHI course or self-directed modules)</p> <p><input checked="" type="checkbox"/> Technical Support on specific projects/issues</p> <p><input checked="" type="checkbox"/> Guidance Documents (Suggest specific needs below)</p> <p><input checked="" type="checkbox"/> Webinars on specific topics (Suggest specific topics below)</p> <p><input checked="" type="checkbox"/> Workshops or Peer Exchanges</p> <p><input checked="" type="checkbox"/> Case Studies (e.g., Successful deployments from other states)</p> <p><input type="checkbox"/> NO Assistance Anticipated from FHWA in Deployment</p> <p><input type="checkbox"/> Our State is willing to assist others</p> |



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|  |                                      |
|--|--------------------------------------|
|  | <input type="checkbox"/> Other _____ |
| 6) FHWA Division Contact for Innovation: |                                      |



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*The discussion and use of the information in the table below is meant to provide your state with an initial framework to help meet your Innovation Goals. This information is helpful to provide to the Deployment Teams for them to better understand any activities that they could assist with in your implementation efforts (but not required to be supplied with the baseline report).*

| Innovation Implementation Team Members   |   |                        |
|--|---|------------------------|
| State DOT:   | Tonya Marriott  | Lisa Wilson            |
| FHWA:  | Lynise DeVance  |                        |
|  |   |                        |
| <b>State Innovation Goal (Benefit Goal):</b> In other words, after 2 years “What would success look like for your state?” (i.e. X innovation will save X time, money, or lives.) These benefits are what elected officials and the traveling public can relate to and help to support the level of resources invested in the deployment of innovations under EDC. What are the measurable targets to assess your progress? |   |                        |
| Success of the program would see an increase in DBE opportunities in Design Build projects that would result in DOT closing the shortfall and meeting the aspirational goal.   |   |                        |
| <b>Obstacles:</b> What is perceived as hindering the State in meeting the implementation goal?   |   |                        |
| Not having enough DBE firms who are not certified or prequalified in required work codes; Prime contractors and DOH's reluctance to accept new methods   |   |                        |
| Implementation Plan Activities   |   |                        |
| Activity No.   | Description of Activity   | Target Completion Date |
|  | Seek information from FHWA on DBE open ended performance plans              | April 2023             |
|  | Identify champion in Division of Highway and Office of Civil Rights.        | May 2023               |
|  | Internal DOT meetings to obtain concurrence on developmental concept.       | June 2023              |
|  | Meet with external stakeholders   | July 2023              |
|  | Participate in peer to peer to learn about DBE open ended performance plans | September 2023         |
|  |   |                        |
| <b>Action Items to follow up with after discussion:</b>  |   |                        |
|  |   |                        |



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*This is provided to show what information will be captured in future progress reports during the 2-years of EDC-7 deployment. The progress report schedule has changed from previous EDC rounds, the first 6-month progress report was dropped to allow more time to make progress on the innovation deployment. Progress Report #1 will be 1 year after the Baseline Report, Progress Report #2 will be 6 months later, with a Final Report requested 2-years after the initial baseline.*

| Progress Report Questions:   |   |
|--|---|
| 1) If there has been NO CHANGE on this innovation during this reporting period and the previous Report is still accurate, select "No Change from last Progress Report" and you do not need to complete Questions 2-5.  | (Choice)<br><input type="checkbox"/> No Change from last Progress Report<br><input type="checkbox"/> Changes indicated in Progress Report Below   |
| 2) What is the State's current stage of innovation implementation?<br><br>Review your past progress report responses and the Implementation Stage Definitions on page 1.   | (Choice)<br><input type="checkbox"/> Not Implemented<br><input type="checkbox"/> Development Stage<br><input type="checkbox"/> Demonstration Stage<br><input type="checkbox"/> Assessment Stage<br><input type="checkbox"/> Institutionalized |
| 3) Describe the State's accomplishments for this reporting period (State DOT, local agency, and transportation partners accomplishments).<br><br>-- If advanced to the next implementation stage, consider the prompt questions in the chart and explain the advancements made to support your selection.<br><br>-- Please include benefits as part of your explanation (i.e. time/cost savings, delay/crash reductions, etc.) | (open discussion)   |
| 4) Describe any implementation challenges or lessons learned. Also, indicate if and how your state and transportation partners can assist others in their implementation of this innovation.   | (open discussion)   |
| 5) Describe any additional assistance needed by your state or partners.  | (open discussion)   |