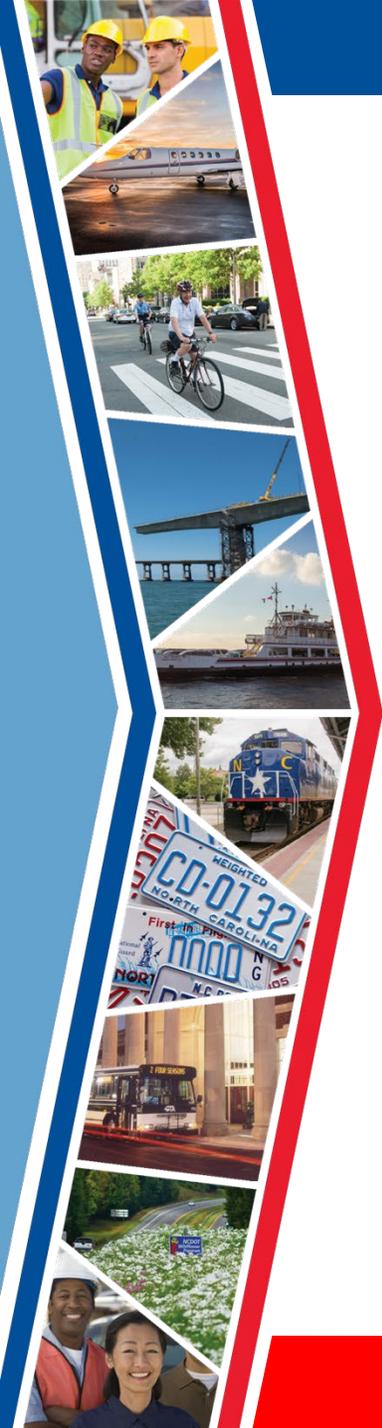




N.C. DEPARTMENT OF TRANSPORTATION Office of Civil Rights

Complete 540 Phase 2 Project Outreach and Networking

November 14, 2022



NCDOT Office of Civil Rights

- **Business Services**
 - Business Opportunity and Workforce Development (BOWD)
 - Business Certification Programs (DBE, SPSF, SBE)
 - On-the-Job Training (OJT)
- **Compliance Programs**
 - Contractor Compliance and Utilization (CUF/EEOCP)
 - Americans with Disabilities Act (ADA)
 - Title VI Nondiscrimination Program
 - Equal Employment Opportunity (EEO)



N.C. DEPARTMENT OF TRANSPORTATION
Office of Civil Rights

Disadvantaged Business Enterprise (DBE) Certification Overview

Benny Sloan – State Compliance Manager

Complete 540 Phase 2 Project

November 14, 2022

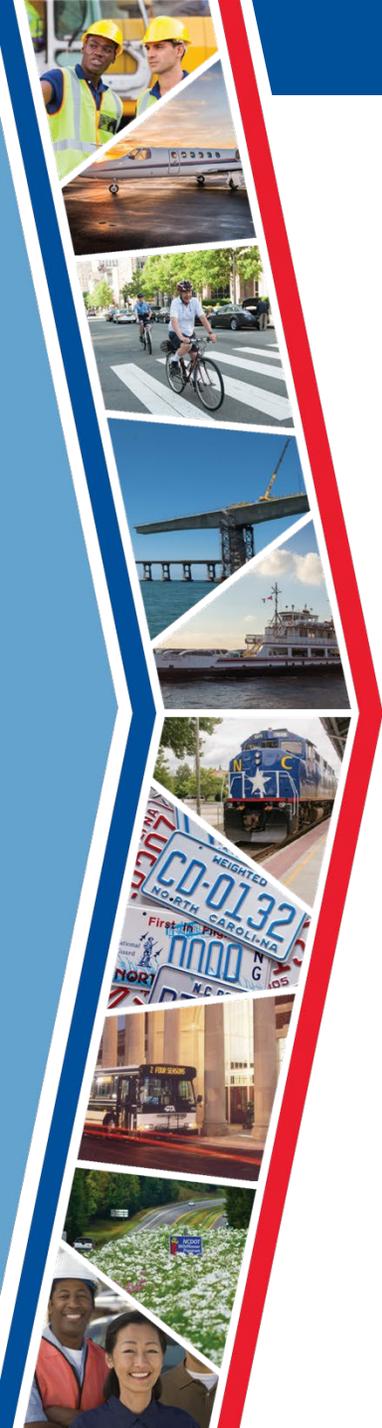
NCDOT DBE Goals

2022 - 2024 Triennial Goal for DBE projects = 13%

- Federal Highway Administration (FHWA)
 - Highway Construction Projects
 - Professional Services
- Federal Aviation Administration (FAA)
 - ACDBE Car Rental Concessions
 - ACDBE Non-Car Rental Concessions
 - Drone Technology
- Federal Transit Administration (FTA)
 - Autonomous vehicles

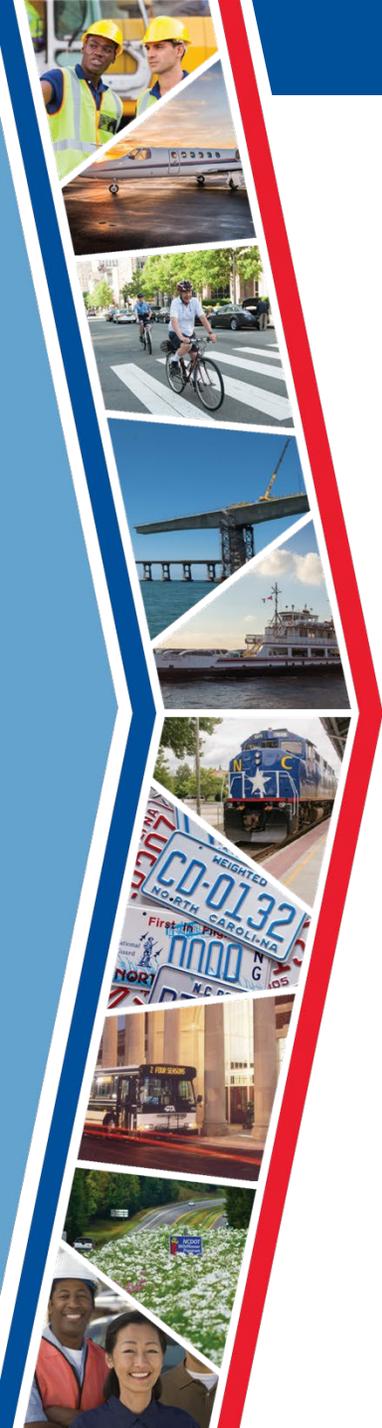
Objectives of the DBE Program

- Ensure nondiscrimination in transportation contracting (e.g. highway, transit and aviation)
- Create a level playing field where DBEs can compete fairly for DOT-assisted contracts
- Ensure only firms that fully meet eligibility standards are permitted to participate as DBEs
- Assist in development of firms to compete successfully in the marketplace outside the DBE program
- Certification is a tool to help you business grow



Basic Eligibility Criteria

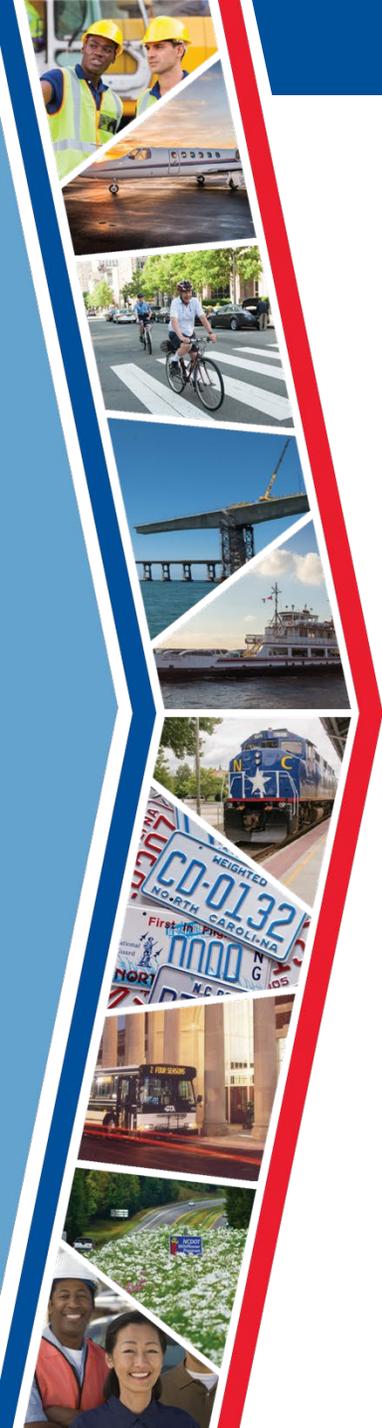
- For-profit entity
- Social & Economic Disadvantage
- Small Business Size Limits
- 51% Ownership
- Independence
- Operational & Managerial Control



Social Disadvantage

Presumed socially disadvantaged groups include:

- Black Americans
- Hispanic Americans
- Native Americans
- Asian-Pacific Americans
- Subcontinent Asian Americans
- Women



Economic Disadvantage

Personal Net Worth (PNW) = \$1.32 million or less

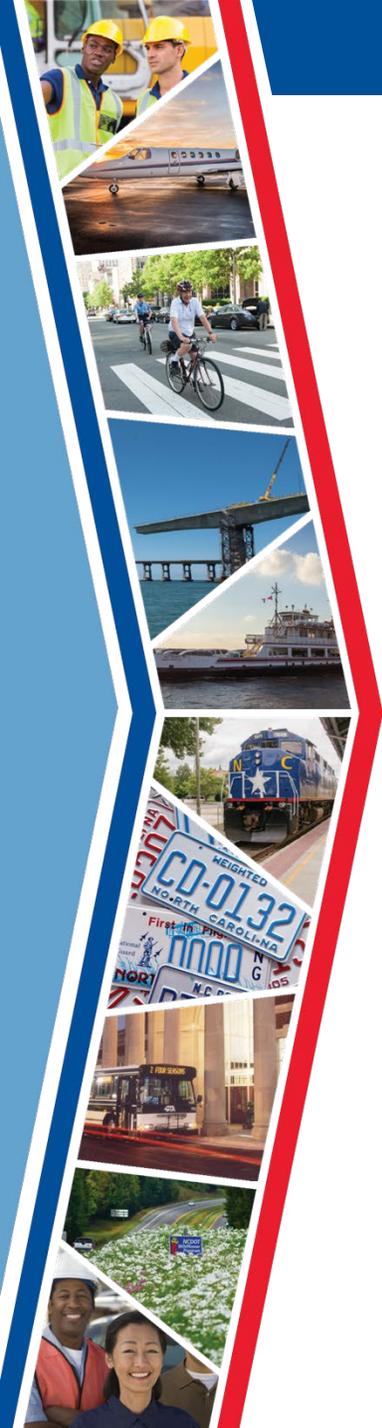
- Excludes equity in primary residence
- Exclude ownership interest in applicant business
- Applicants must be both socially and economically disadvantaged



Small Business Size Standards

- Must be an existing small business as defined by US SBA standards (13 CFR Part 121)
 - NAICS Codes
 - Segmented by industry
- Average gross receipts over previous three years cannot exceed \$28.48 million

Note: ACDBE uses SBA size standards, but has a different gross receipts cap (see 49 CFR Part 23)



Average Gross Receipt Examples

237310 - Highway, Street, and Bridge Construction

NAICS Size Limit = \$39.5 million

DBE Size Limit = \$26.29 million

485999 - Transit & Ground Passenger Transportation

NAICS Size Limit = \$16.5 million

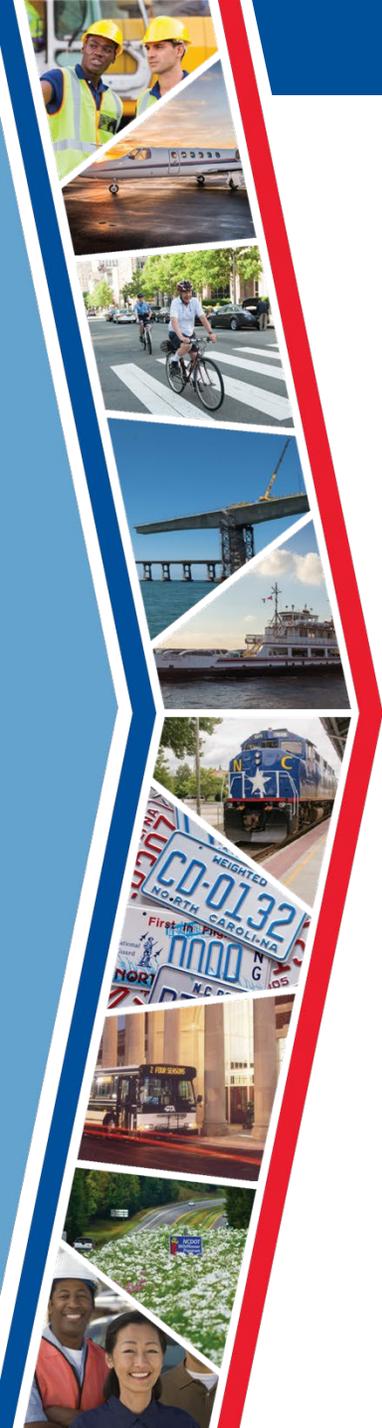
DBE Size Limit = \$26.29 million

323120 - Support Activities for Printing

NAICS Size Limit = 500 employees

DBE Size Limit = \$26.29 million

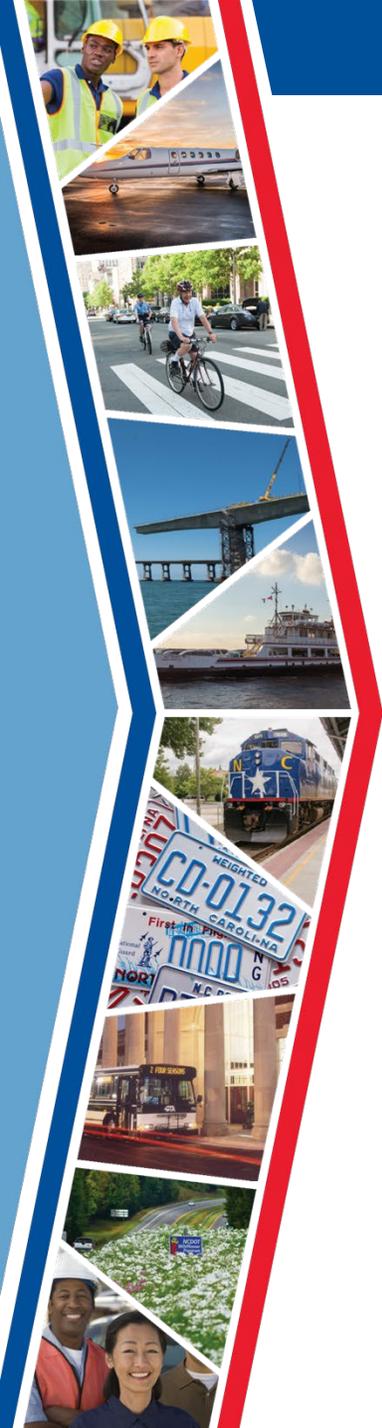
****Firms must meet both criteria to be DBE eligible**



Affiliation

- Affiliate businesses must be considered together in determining whether a firm meets the small business size criteria
- Provide tax information for all affiliate firms
- The Unified Certification Program (UCP) will consider appropriate factors including (but not limited to):
 - Common ownership / Common management
 - Contractual relationships

****Remember to report any affiliate firms and immediate family member businesses on the application and submit associated tax information**

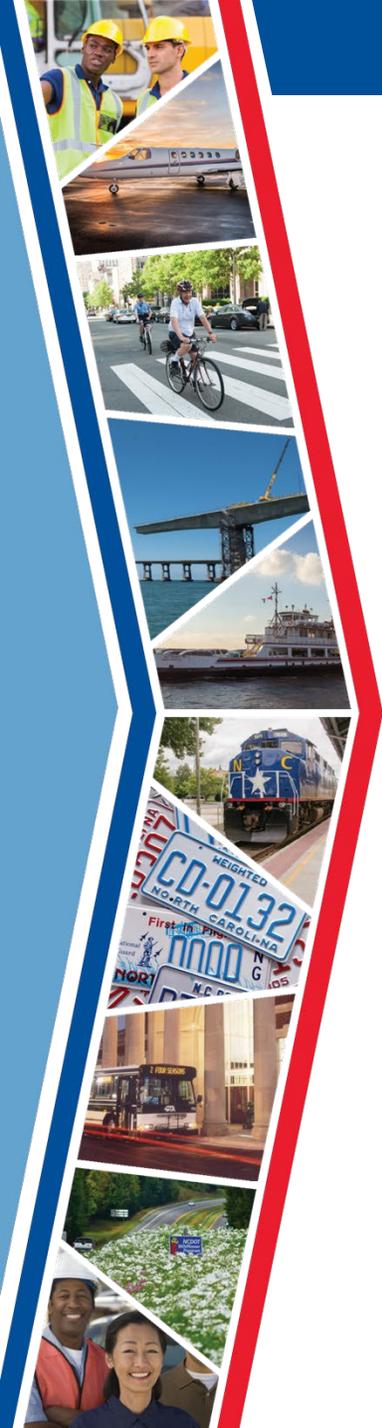


Ownership

- The firm must be at least 51% owned by socially and economically disadvantaged individuals
- Ownership by socially and economically disadvantaged individuals, including their contribution of capital or expertise to acquire ownership interests, must be...
 - Real
 - Substantial
 - Continuing
 - Beyond pro forma ownership (not just on paper)

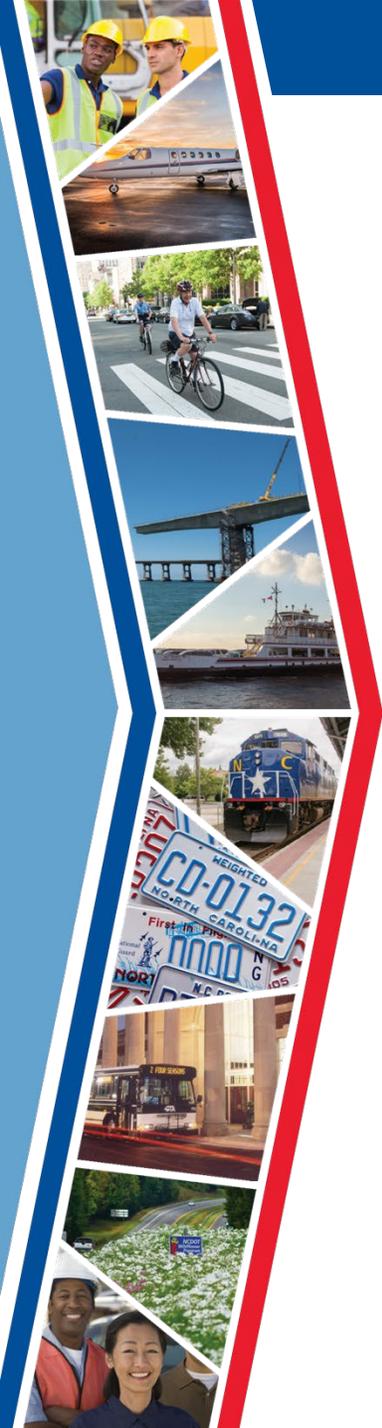
Section 3: Owner Information

#10 Initial investment to acquire ownership interest in firm



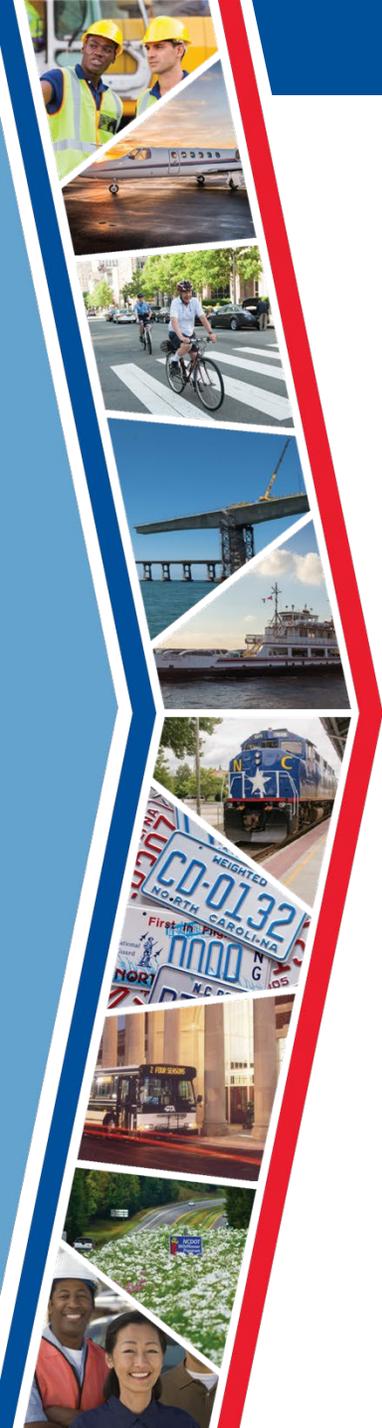
Control

- Independent business
- Power to direct the management and policies of the applicant firm
- Ability to make day-to-day as well as long term decisions on policy, management, and operations
- Overall understanding of the firm's business
- Managerial and technical competence and experience directly related to the firm's business



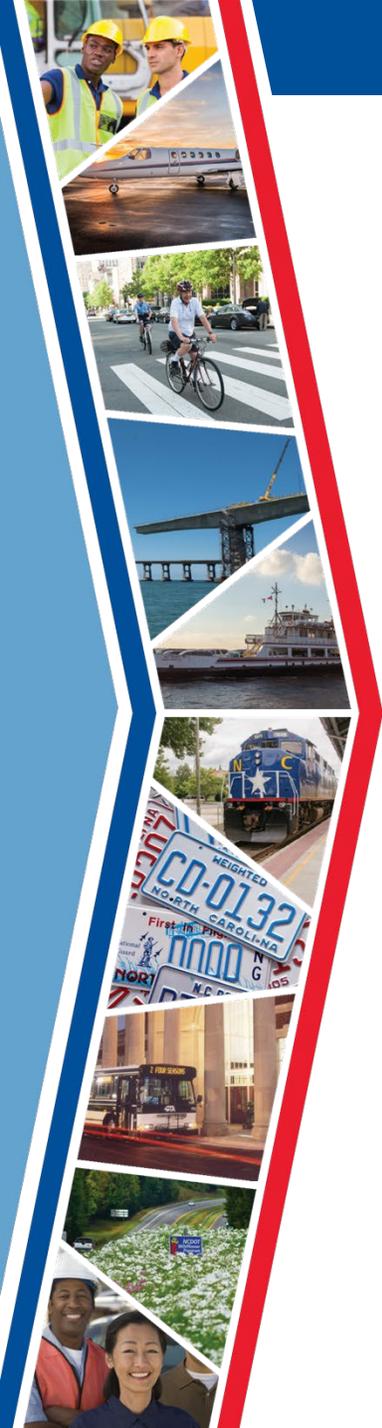
Required Documents for All Applicants

- Résumés (that include places of employment with corresponding dates), for all owners, officers, and key personnel of the applicant firm
- Personal Net Worth Statement for each socially and economically disadvantaged owners comprising 51% or more of the ownership percentage of the applicant firm.
- Personal Federal tax returns for the past 3 years, if applicable, for each disadvantaged owner
- Federal tax returns (and requests for extensions) filed by the firm and its affiliates with related schedules, for the past 3 years.



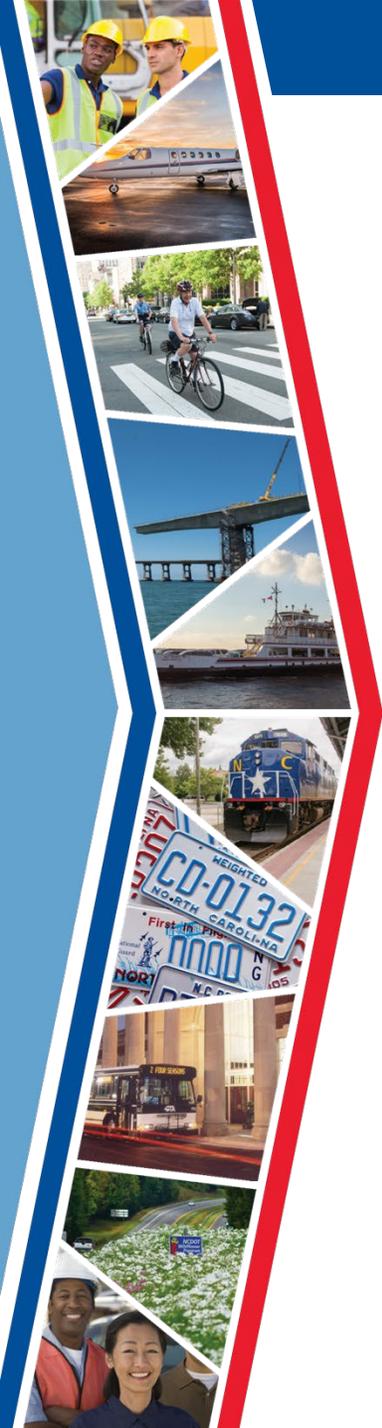
Required Documents for All Applicants

- Documented proof of contributions used to acquire ownership for each owner (*e.g., both sides of cancelled checks*)
- Signed loan and security agreements, and bonding forms
- List of equipment and/or vehicles owned and leased including VIN numbers, copy of titles, proof of ownership, insurance cards for each vehicle.
- Title(s), registration certificate(s), and U.S. DOT numbers for each truck owned or operated by your firm
- Licenses, license renewal forms, permits, and haul authority forms
- Descriptions of all real estate (including office/storage space, etc.) owned/leased by your firm and documented proof of ownership/signed leases



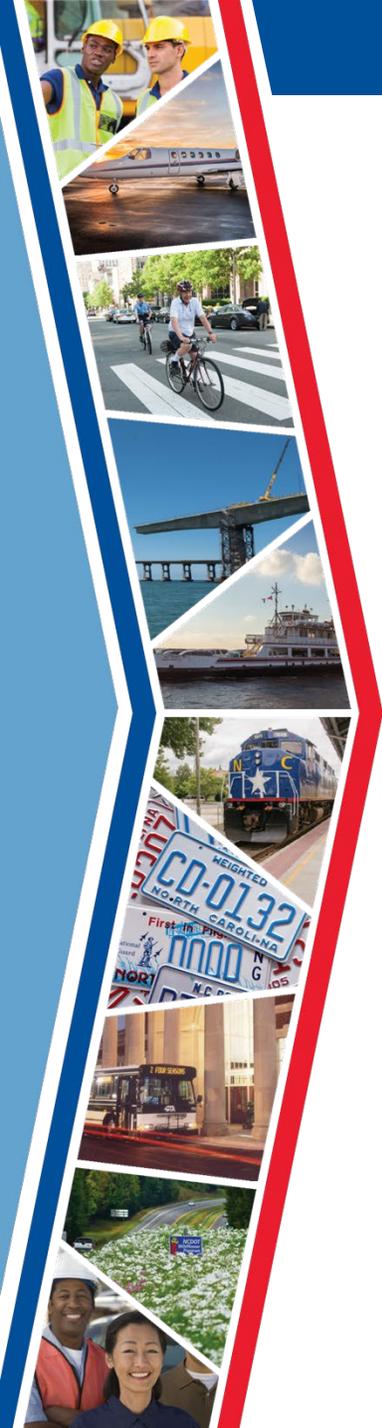
Required Documents for All Applicants

- Documented proof of any transfers of assets to/from your firm and/or to/from any of its owners over the past 2 years
- DBE/ACDBE and SBA 8(a), SDB, MBE/WBE certifications, denials, and/or decertification, if applicable; and any U.S. DOT appeal decisions on these actions
- Bank authorization and signatory cards.
- Schedule of salaries (or other remuneration) paid to all officers, managers, owners, and/or directors of the firm
- List of all employees, job titles, and dates of employment
- Proof of warehouse/storage facility ownership or lease arrangements



Required Documents for All Applicants

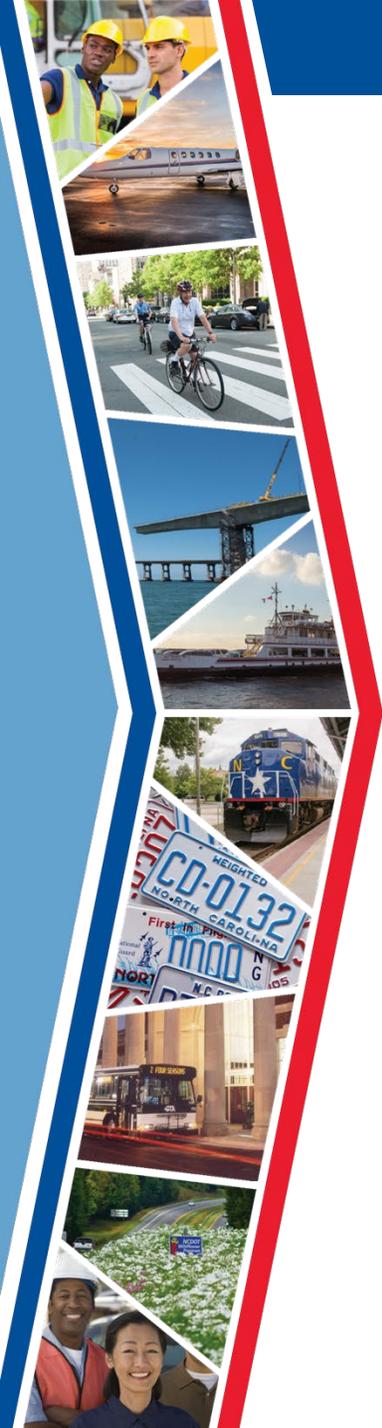
- Original and any amended Partnership and Joint Venture agreements
- Official Articles of Incorporation (signed by the state official)
- Both sides of all corporate stock certificates and the firm's stock transfer ledger
- Shareholder's agreement
- Minutes of all stockholders and board of director meetings
- Corporate by-laws and any amendments
- Corporate bank resolution and bank signature cards
- Official Certificate of Formation and Operating Agreement with any amendments (LLCs)





N.C. DEPARTMENT OF TRANSPORTATION Office of Civil Rights

SMALL BUSINESS ENTERPRISE PROGRAM and SMALL PROFESSIONAL SERVICE FIRM PROGRAM



SMALL BUSINESS ENTERPRISE (SBE) CERTIFICATION PROGRAM



The Small Business Enterprise (SBE) Certification Program was developed to provide contract opportunities for firms that meet the eligibility criteria to compete against other businesses in their industries and markets.

SBE FACTS

- NCDOT Program – not federally mandated
- A purchase order program for projects \$1,000,000 or less
- Projects will be advertised as SBE set-asides and only SBE certified firms can respond
- The decision to designate SBE projects is left up to the Divisions
- Prequalification is not required
- Race and Gender-Neutral Program (no goals are set)
- GC license and bonding may be waived

TYPES OF SBE PROJECTS

Roadway grading and excavation, clearing and grubbing, erosion control and landscaping, paint striping, drainage (pipe, curb and gutter, catch basin, etc.), signal installation, fencing and guardrail, etc.

SBE ELIGIBILITY STANDARDS

Any small business established for profit and meets the program standards outlined in the NCDOT SBE Guidelines.

- (a) Size: The business shall have an annual net income of not more than \$1,500,000 after cost of goods sold is deducted.
- (b) Independence: A firm cannot be dependent on another firm and must be free of affiliation.
- (c) Integrity: A firm must not attempt to evade or subvert the intent or requirements of the SBE program.
- (d) Existing For-Profit Business: A firm shall be a bona fide existing business that performs work for the purpose of making a profit.
- (e) Cooperation: SBE firms and firms seeking SBE certification shall cooperate fully with the Department's requests for information relevant to the certification.

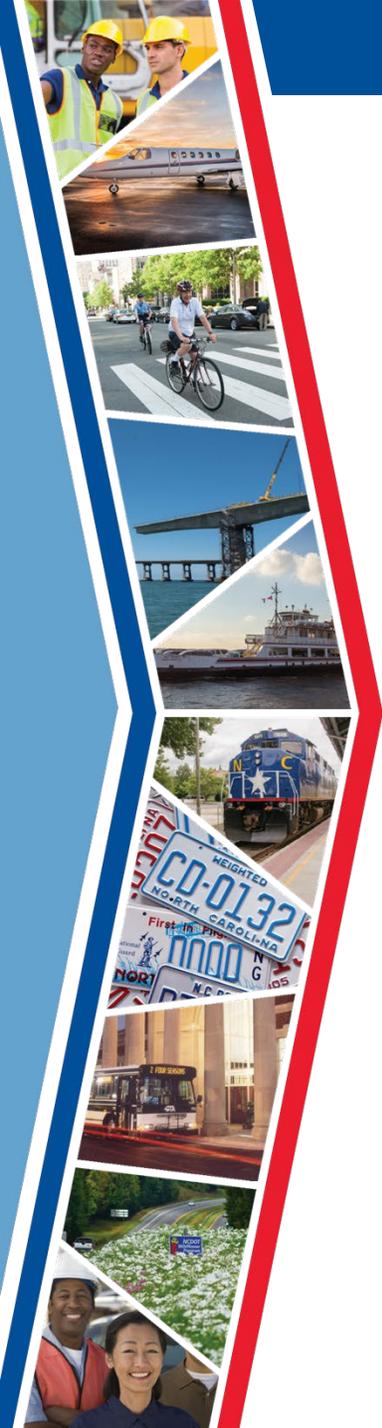
SMALL PROFESSIONAL SERVICE FIRM (SPSF) CERTIFICATION PROGRAM

The Small Professional Service Firm Program was developed to provide sub-consulting opportunities for firms meeting the following:

- Citizen or lawfully admitted permanent resident of the U.S.;
- Independent entity;
- Existing, for-profit business;
- A small business as defined by the U.S. Small Business Administration, 13 CFR Part 121 in Sector 54 of the North American Industrial Classifications System (NAICS).

SPSF FACTS

- Race, ethnicity and gender-neutral program
- Must perform professional, scientific, or technical work
- Must be for-profit
- SPSF's are listed on Subconsultant Form RS-2 with the response
- Firms must meet SBA size standards eligibility

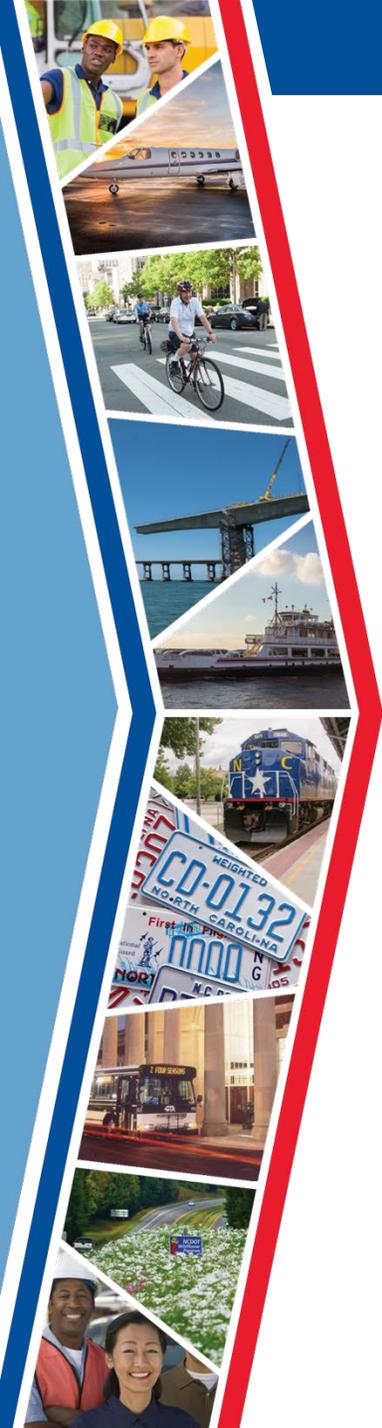


SIZE STANDARDS

NCDOT uses the U.S. Small Business Administration (SBA) size standards established for Professional Services under the NAICS expressed in either number of employees or annual receipts in millions of dollars (five-year average).

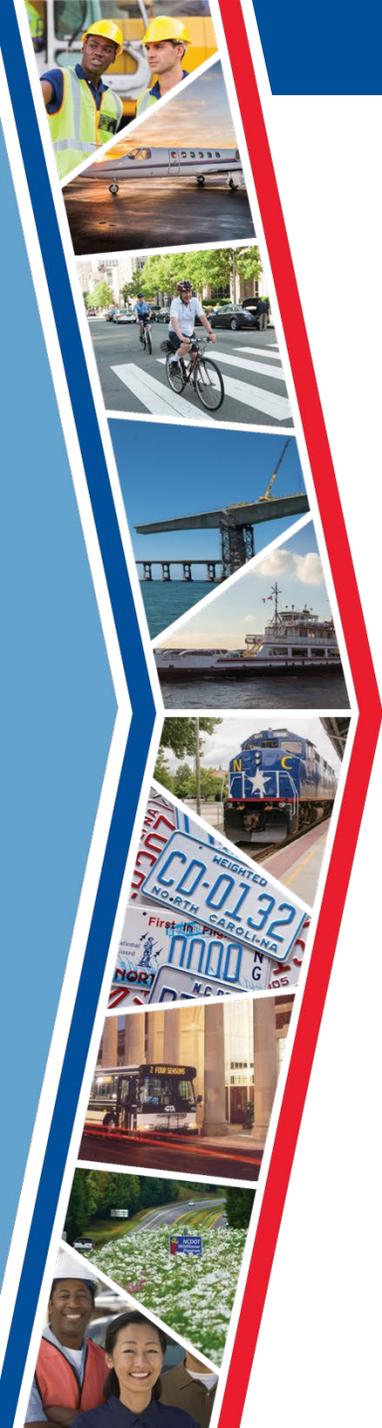
Examples:

- 541320 Landscape Architectural Services = \$8.0 million
- 541330 Engineering Services = \$22.5 million
- 541713 Research & Development in Nanotechnology = 1,000 employees



LIMITED-SERVICE CONTRACTS

- Request for Letters of Interest for **on-call** services are advertised on the NCDOT Connect website
- Prime firm develops a team of sub-consultants to cover all disciplines
- Task orders are rotated among firms
- Owners of current LSC's are listed and a utilization report is posted every month on the Connect website
- Encourage use of Small Professional Services Firms (SPSF) on teams
- Areas of work include Right of Way, Bike and Pedestrian Planning, Construction Engineering Inspection, General Engineering Service Contracts, Surveying, Aviation, Erosion Control, etc.
- Can add sub-consultants on new contracts after awards



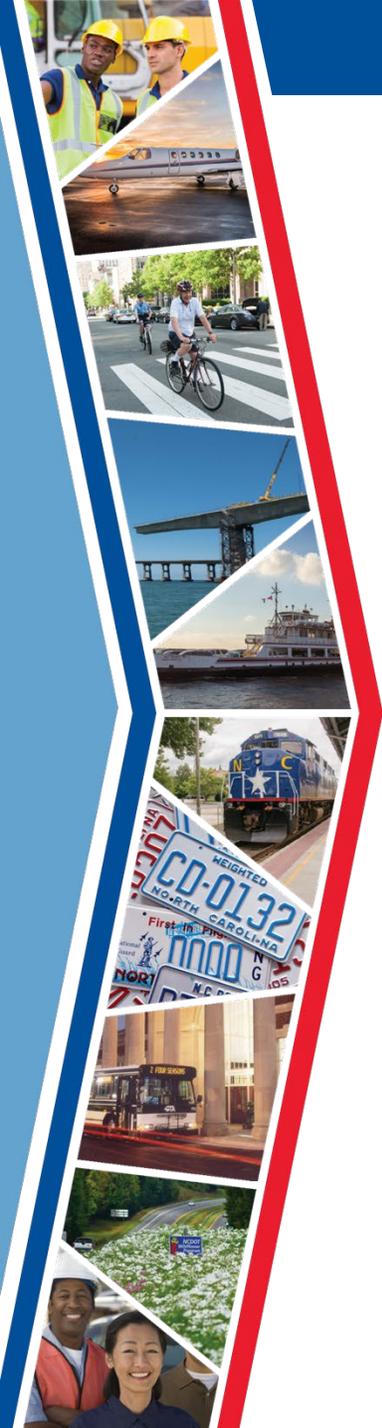
HOW TO APPLY

In 2020, the North Carolina Department of Transportation (NCDOT) Office of Civil Rights launched an online certification portal for small businesses interested in becoming DBE certified, SBE certified and SPSF certified in their industry.

Online Certification Portal Website: connect.ncdot.gov/becertified

Contact:

Charlotte McKenzie-Hunter
SBE and SPSF Certification Programs
(919) 500-1886
camckenzie-hunter@ncdot.gov



Online Certification Application Portal

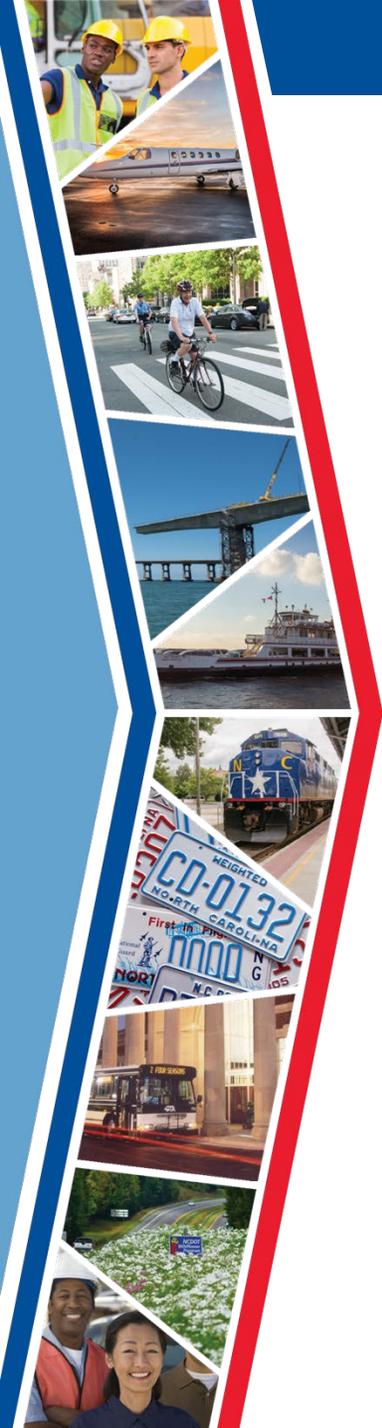
Step 1

Go to <https://connect.ncdot.gov/business/SmallBusiness/Online-Cert-App-Portal/Pages/default.aspx>

The screenshot shows a web browser window displaying the NCDOT Online Certification Application Portal. The browser's address bar shows the URL: connect.ncdot.gov/business/SmallBusiness/Online-Cert-App-Portal/Pages/default.aspx. The website header includes the text "Connect NCDOT BUSINESS PARTNER RESOURCES" and navigation links for "Home", "Help", and "Site Map". A main navigation menu features categories like "Doing Business", "Bidding & Letting", "Projects", "Resources", and "Local Governments". Below this, a secondary menu lists specific services: "Prequalify", "Small Business", "Consultants", "Directory of Firms", "Trucking", "Fleet & Material Mgmt", "DMV", "Public Trans", "Purchasing", "ROW", and "Turnpike". The main content area is titled "NCDOT Online Certification Application Portal" and includes a breadcrumb trail: "Connect NCDOT > Doing Business > Small Business > NCDOT Online Certification Application Portal". A row of five small images depicts various transportation-related scenes. Below these images are links for "About Us", "Manage Certification", "Directory of Firms", "FAQs", and "Contact Us". A paragraph of text states: "NCDOT's Office of Civil Rights has launched a new online certification portal that will allow small, disadvantaged businesses to become certified to market their firm in the transportation industry. The new certification Portal will allow those businesses to complete applications online, check application status and receive automatic email notifications." To the right of the main content is a large graphic with the NCDOT logo and the text "CONNECT WITH US. Become Certified!". Below this graphic is a section titled "Certification Quick Links". The Windows taskbar at the bottom shows the time as 6:28 PM on 10/10/2021.

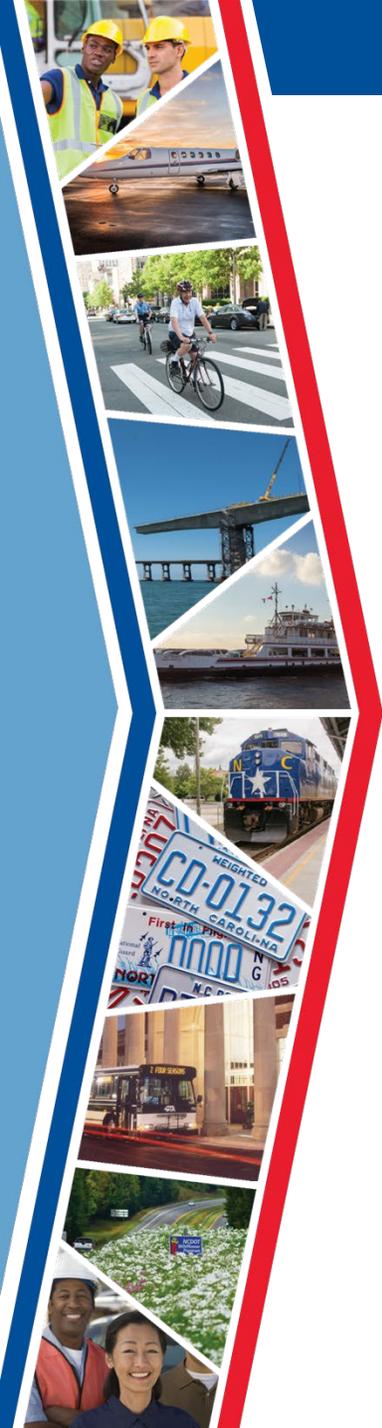
Certification Process

- Step 2. The application is reviewed for completeness
- Step 3. If complete, the Intake Assistant will forward the application to Certification Officer
- Step 4. A site visit is scheduled and conducted virtually or at the site of business
- Step 5. Post site visit and thorough review of all information, a certification decision will be issued, and the firm is notified of the determination in writing
- Step 6. If certified, the firm's information is entered in the online DBE Directory
- Step 7. If denied certification, the firm has the right to appeal the decision directly to USDOT
- **Note: the UCP has 90 days to render an eligibility decision after receiving a complete application (sometimes 150 days)**



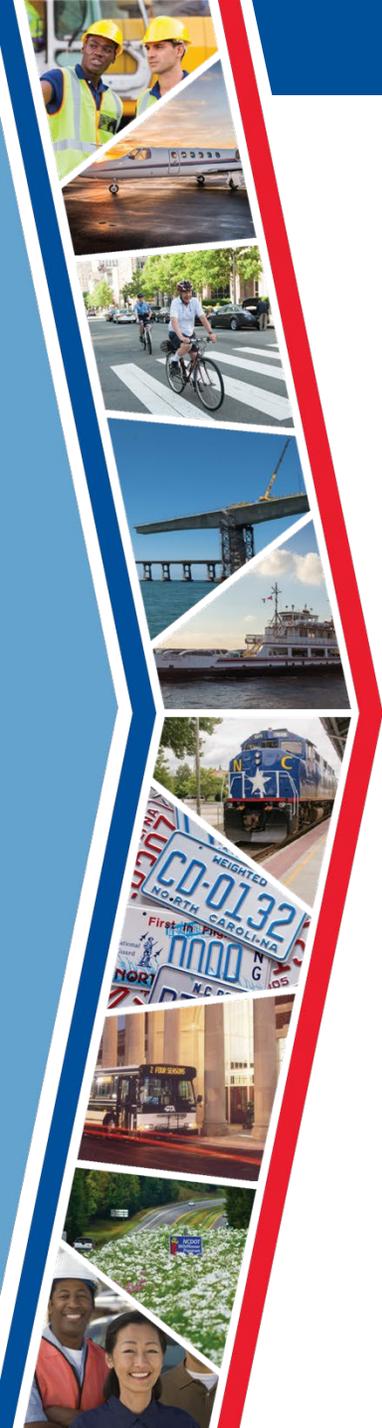
Benefits of Certification

- Free Marketing in our Directory of Firms
- BOWD (Business Opportunity & Workforce Development) Services
- Contract Protection
- HUB Reciprocity

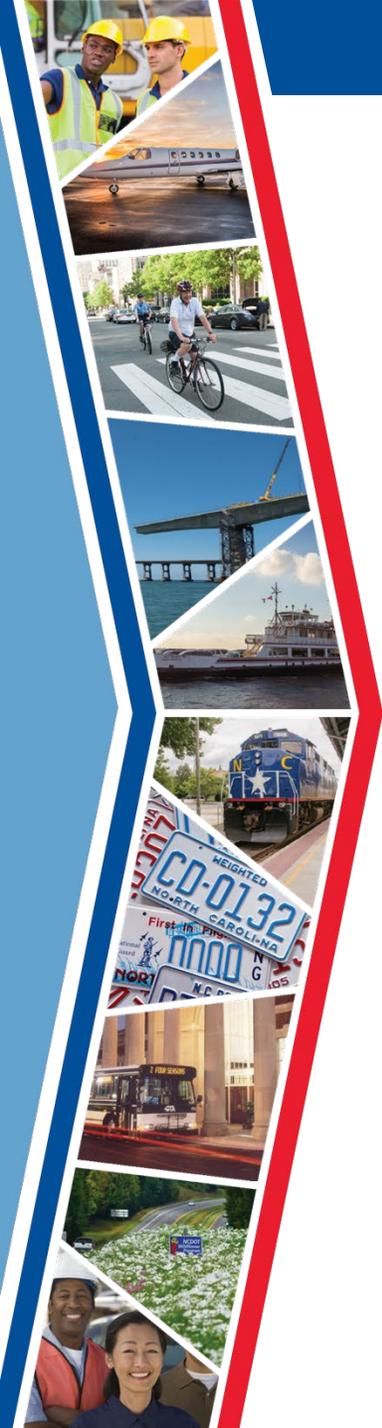


DBE CERTIFICATION STAFF

- Benny Sloan, DBE Program Manager
bfsloan@ncdot.gov 984.236.1260
- Pandora Broadwater, Program Assistant
pobroadwater@ncdot.gov 919-218.8813
- Charlotte McKenzie-Hunter, Program Assistant
Camckenzie-hunter@ncdot.gov 919-500-1886
- Liz Cruz, Lead DBE Certification Officer (West)
eruz@ncdot.gov 984.233.9094
- Latega Powell, DBE Certification Officer (East)
lpowell23@ncdot.gov 984.365.0564



Questions?





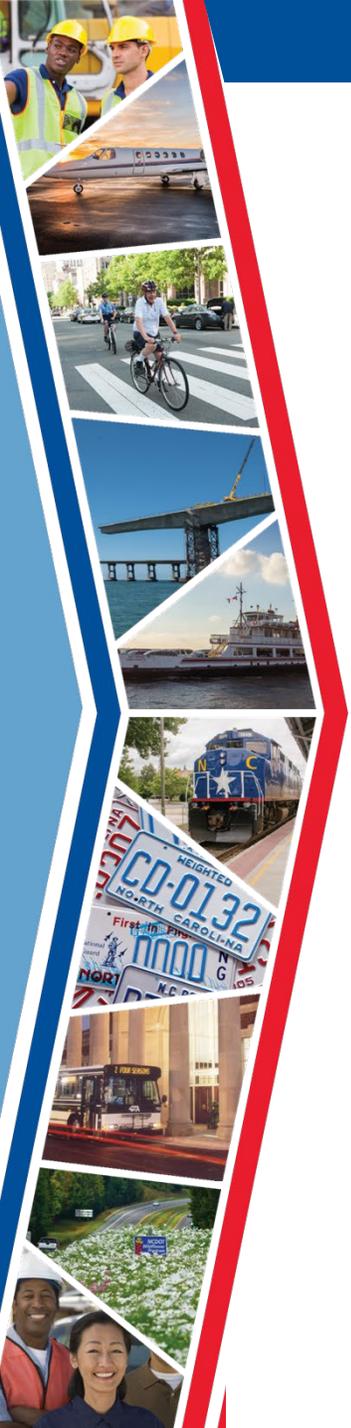
N.C. DEPARTMENT OF TRANSPORTATION
Office of Civil Rights

On-the-Job Training Program

Tim Moore – OJT Manager
Complete 540 Phase 2 Project
November 14, 2022

OJT's Training Program

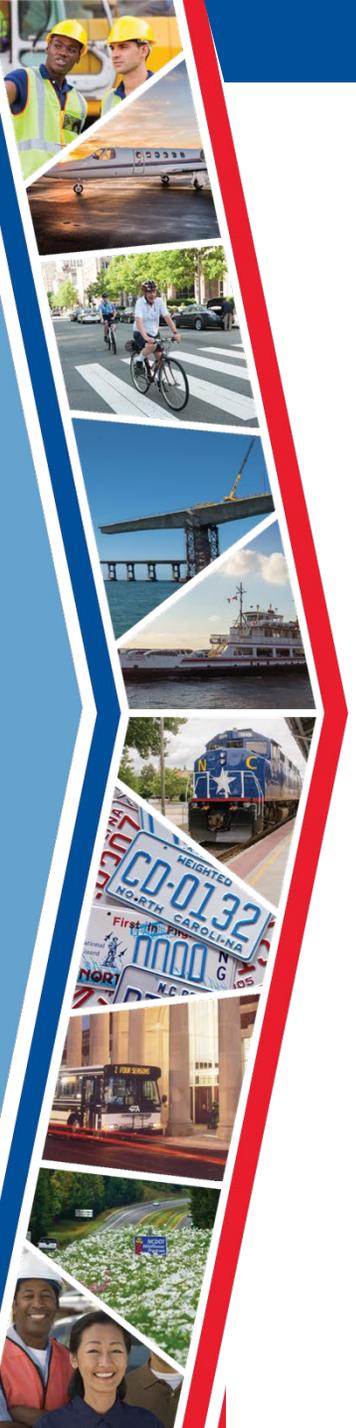
The Federal Highway Administration under title 23 CFR, Part 230 requires all state highway agencies to establish and utilize On-the-Job Training (OJT) on federally-funded highway construction projects. [OJT is an apprenticeship-like program.]



OJT Federal Requirements



- Train and upgrade minorities, women and disadvantaged persons to journeyman level status in the highway construction industry;
- Establish a plentiful and well diverse pool of skilled workers for the highway construction industry; and
- Demonstrate that equal opportunity exists



External Workforce Development



2 Major Program Areas

- **Contractor Trainee Goal Setting and OJT Utilization**
- **Education and Training**

Education and Training

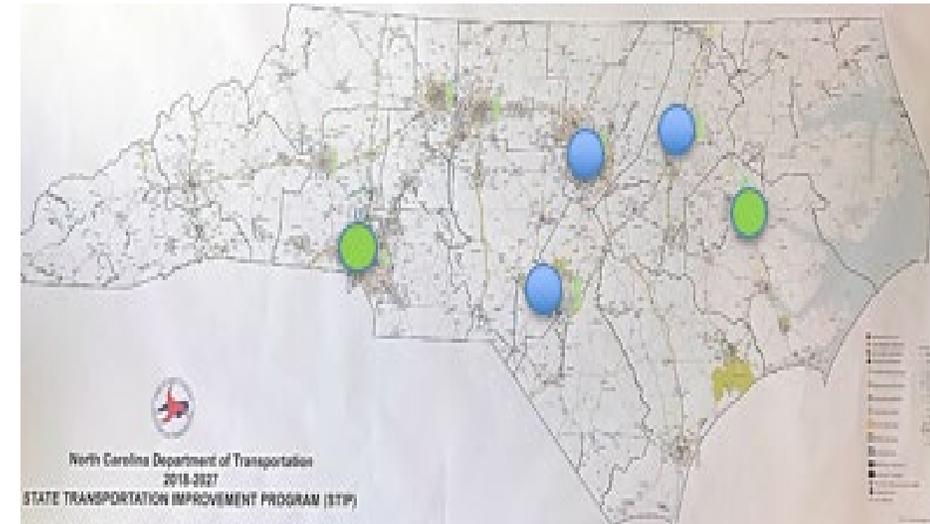
Highway Construction Trades Academies

Academy Core Components:

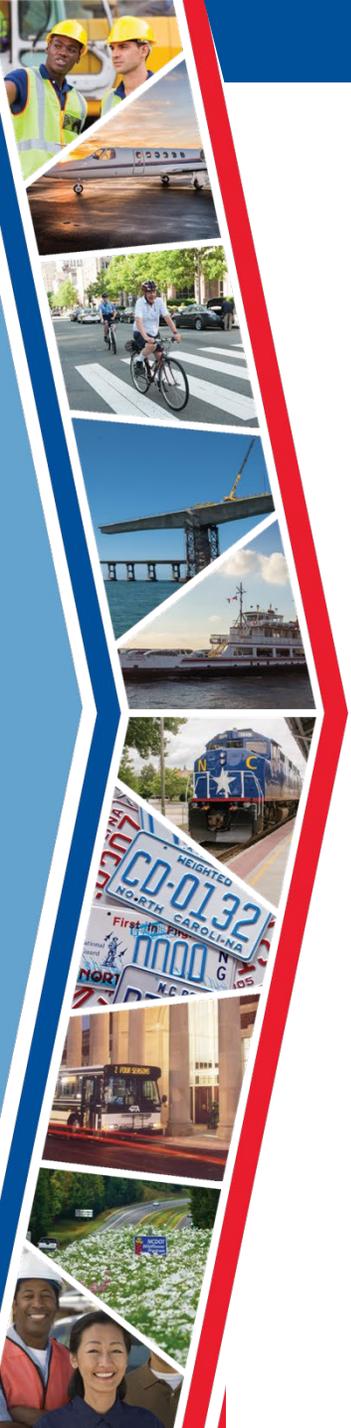
- OSHA 10
- Flagger
- CPR/First Aid
- Recruitment/Job Fairs

Other Components vary by academy

- Heavy Equipment Operator
- CDL



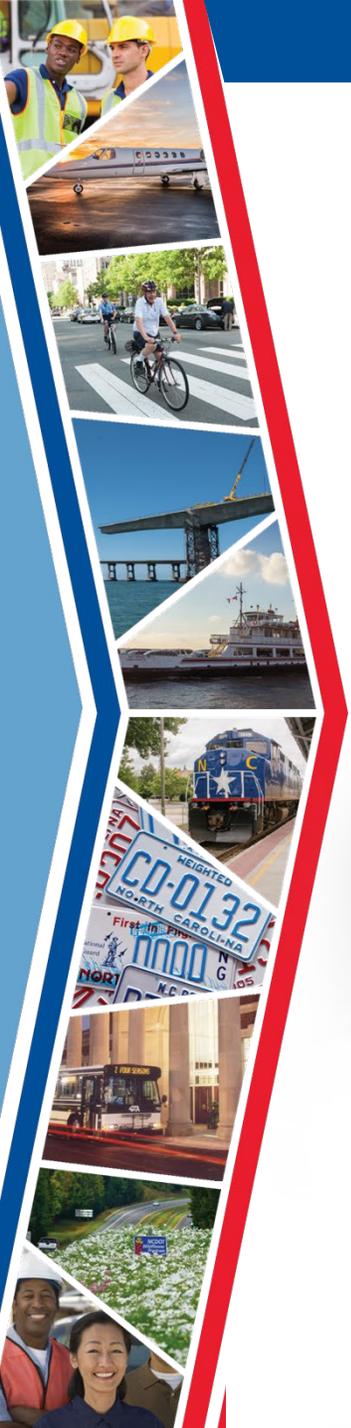
- OIC Rocky Mount, NC
- DOT/OJT Fayetteville, NC
- Passage Home Raleigh, NC
- CAF Charlotte, NC
- NCWorks Elizabeth City, NC



Youth Engagement

Highway Construction Career Days

Highway Construction Career Days (HCCD) are conducted to raise awareness of construction careers and opportunities for North Carolina's future workforce. High school students that attend HCCD will have an active construction experience.



Questions & Answers





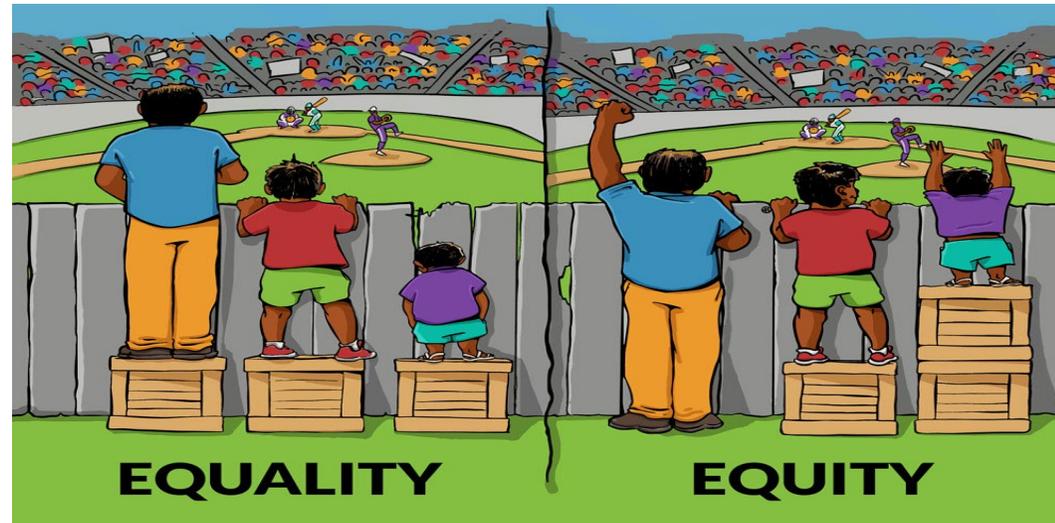
N.C. DEPARTMENT OF TRANSPORTATION **Office of Civil Rights**

Business Opportunity and Workforce Development (BOWD)

Lisa Wilson – Program Manager
Complete 540 Phase 2 Project
November 14, 2022

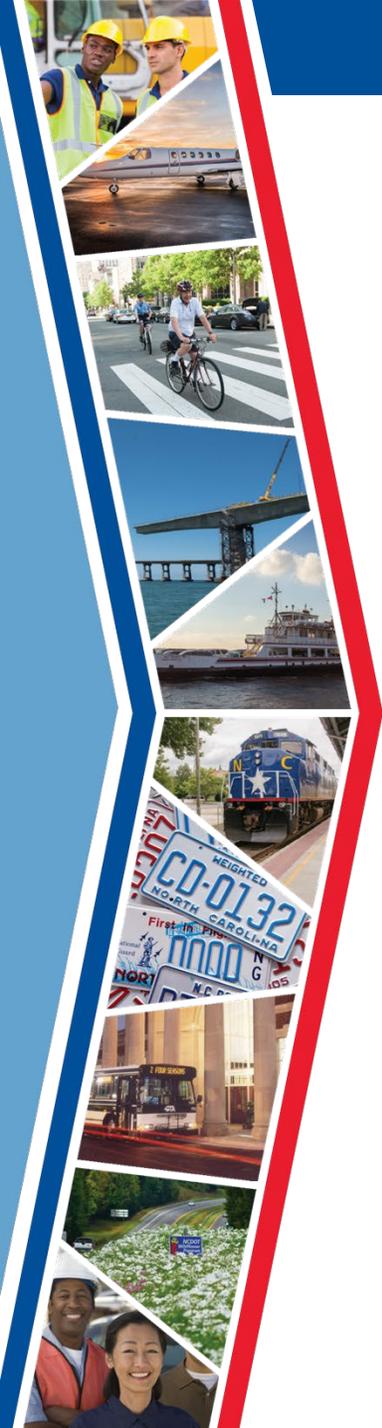
Business Opportunity and Workforce Development (BOWD)

- Disadvantage Business Enterprise Program (DBESS)
- Small Business Enterprise Program (SBE)
- Small Professional Services Program (SPSF)



DBE Supportive Services Program

- Purpose:
 - Increase number and capacity of certified DBE contractors and consultants doing business with the North Carolina Department of Transportation in highway construction
 - Assist with the development of DBE firms into viable, self-sufficient organizations capable of competing for, and performing on federally assisted highway projects and moving into other areas or work
- Supported through Federal Funding from FHWA
- Provides:
 - Training
 - Education
 - Technical Assistance



Small Business Enterprise Program

- NCDOT program authorized by G.S. 136-28.10 (not federally mandated)
- Developed to attract & increase small business participation
- Annual net income less than \$1.5 mil - after “Cost of Goods Sold” is deducted
- Race/gender neutral program = No goals set

Small Business Enterprise Program (Cont.)

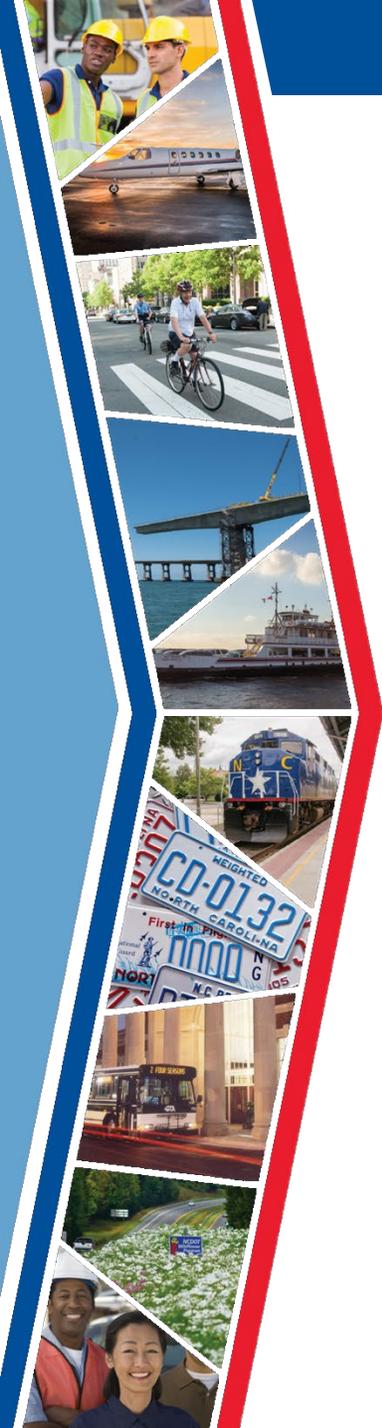
- **Construction & Repair projects \$1.0 mil or less per year**
- Projects advertised for SBE certified firms only 
- Prequalification not required
- GC license and bonding may be waived
- Divisions tasked with identify \$1.0 mil small business opportunities for FY2022

**** Divisions must weigh risks and complexity of projects before designating them as SBE only**

Small Professional Services Firm Program

- Developed to provide consultant opportunities
- Must meet the eligibility criteria
- Compete against other consultant firms that are comparably positioned in their industries
- Perform Professional, Scientific, or Technical work
- **NCDOT-OCR working to codify program definition and develop restricted solicitation and award similar to SBE Program.**

BUSINESS OPPORTUNITY & WORKFORCE DEVELOPMENT



BOWD Program

Getting to a YES!

This is a new series designed to provide training and understanding of NCDOT practices. Training topics include: understanding contracts, bidding and estimating, winning projects, and understanding your businesses' role on projects as well as other aspects of NCDOT construction.



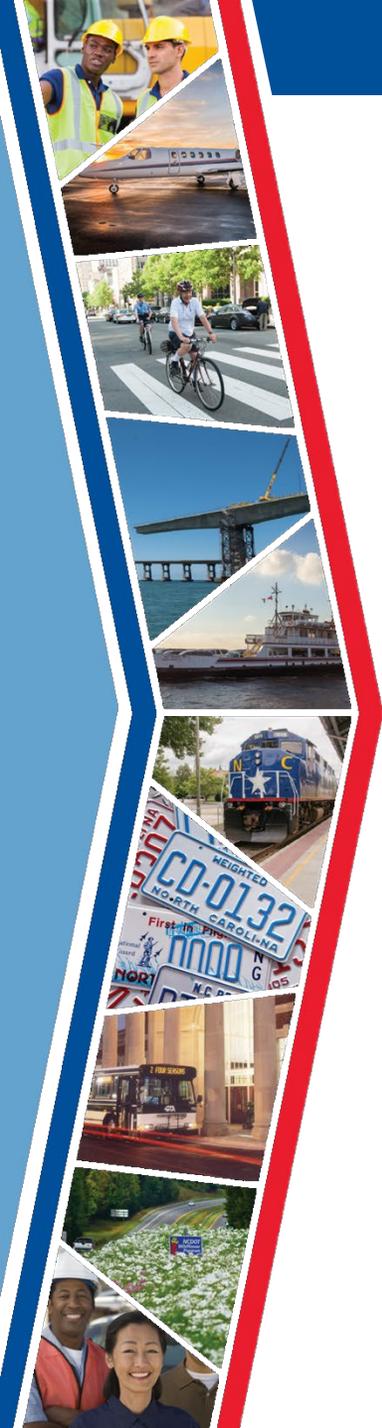
Partner Program

NC State: ITRE – Institute for Transportation Research & Education

NC LTAP – Local TA Program

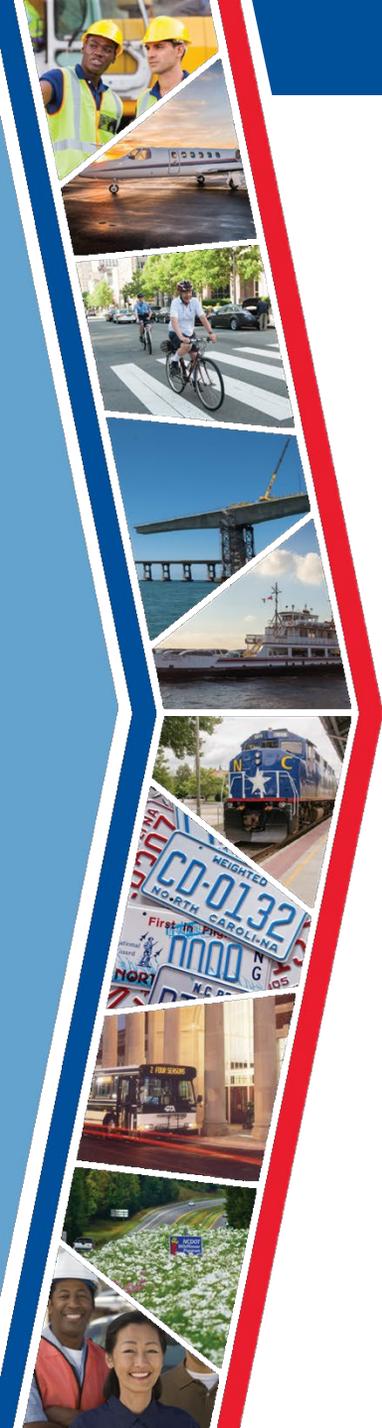
<https://itre.ncsu.edu/training/ltap-training/>

May be eligible for reimbursement



Newly Certified Firm Orientation

Designed to introduce DBEs to NCDOT's processes, websites and information to develop a game plan for success.



BOWD Program

Access to Capital

This program is a **3-Class Series** that will cover “Real Talk about Money” in the following topics and will include **2-hours of one-on-one coaching** with instructors of the program:

- **Understanding Capital**
 - **Managing Your Business**
 - **Building Wealth**
-

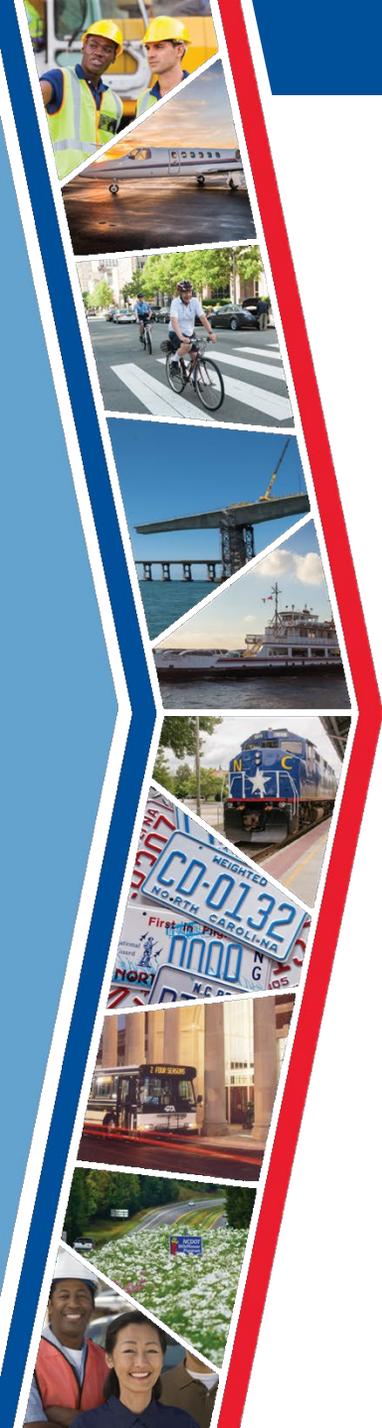
3 Classes – May/June

Application – Limited Seats 10-12 - Virtual



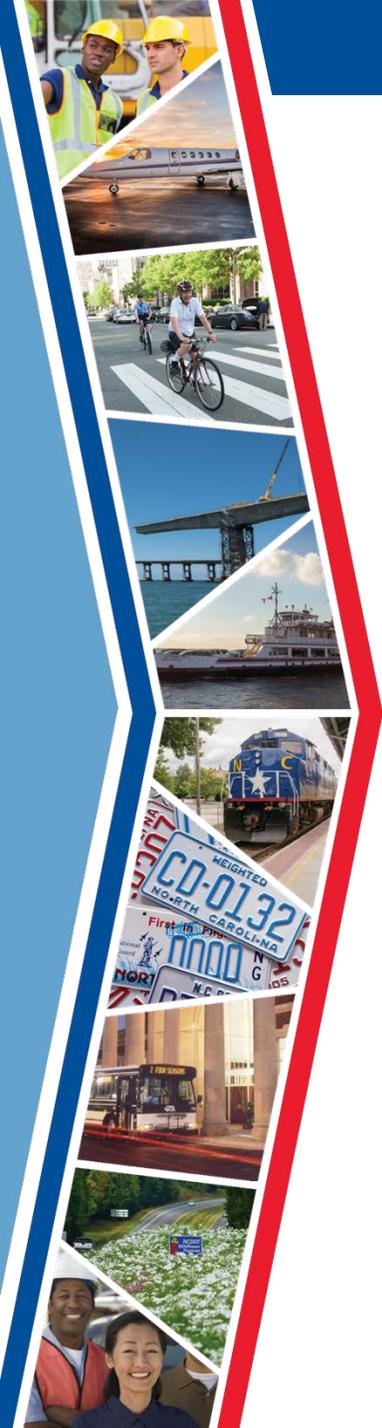
Have a Plan to Market Your Services

- NCDOT has a commitment to grow small businesses so ask for our help!
- Collaborate with NCDOT Division Engineers and other modal units to market your firm and secure contracts
- Attend Pre-Bid Meetings
- Consult with BOWD Staff for training and networking opportunities



BOWD Contacts

- Lisa Wilson – BOWD Manager
lhwilson1@ncdot.gov
- Christy Thaxton – Program Analyst (SBE/SPSF)
cwthaxton@ncdot.gov
- Laura Jimenez – Program Specialist (DBE)
lmjimenez1@ncdot.gov





N.C. DEPARTMENT OF TRANSPORTATION
Office of Civil Rights

Utilization and Compliance

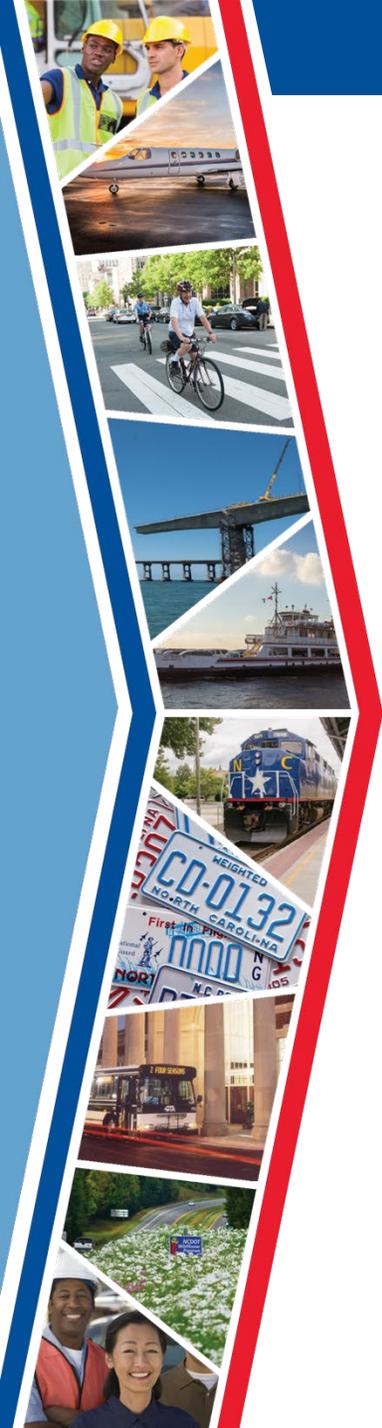
Benny Sloan – State Compliance Manager

Complete 540 Phase 2 Project

November 14, 2022

Utilization and Compliance - Overview

- Utilization & Compliance core programming is directly responsible for the uniform statewide administration of the Federal Highway Administration (FHWA) and the Department's policies and programs as it relates to:
 - Contractor Utilization
 - DBE Compliance
 - EOCCP



Utilization

- Participate in Goal Setting
- Contract bid review to confirm participation goals are met
- Manage the Banking Program (For State Funded Projects)
- Contractor Utilization Reporting: Federal and State
- Assist in the Good Faith Effort process
- Monitor project closeout to capture final utilization data



DBE COMPLIANCE

The DBE Compliance Program works to ensure the Prime and DBE Subcontractor are compliant with State Special Provisions and Federal Regulations 49 CFR 26.55. This is accomplished through:

- Desk Audit Reviews
- Onsite CUF Reviews
- DBE Replacements/Contractor Mediation
- Technical Assistance (Internal, External, Subcontractor)



EQUAL OPPORTUNITY CONTRACTOR COMPLIANCE PROGRAM (EOCCP)

The Equal Opportunity Contractor Compliance Program is responsible for ensuring that prime contractors and subcontractors performing work on NCDOT's Federal-aid highway construction projects comply with the nondiscrimination and affirmative action requirements outlined in the FHWA-1273 Required Contract Provisions. The EOCCP assures this through three key activities:

- Conducting EO compliance reviews of primes and subcontractors;
- Facilitating training in a variety of formats
- Providing technical assistance to contractors and NCDOT staff.



Contact Information

Utilization

- Benny Sloan, Manager: 919-602-7344

Contractor Compliance:

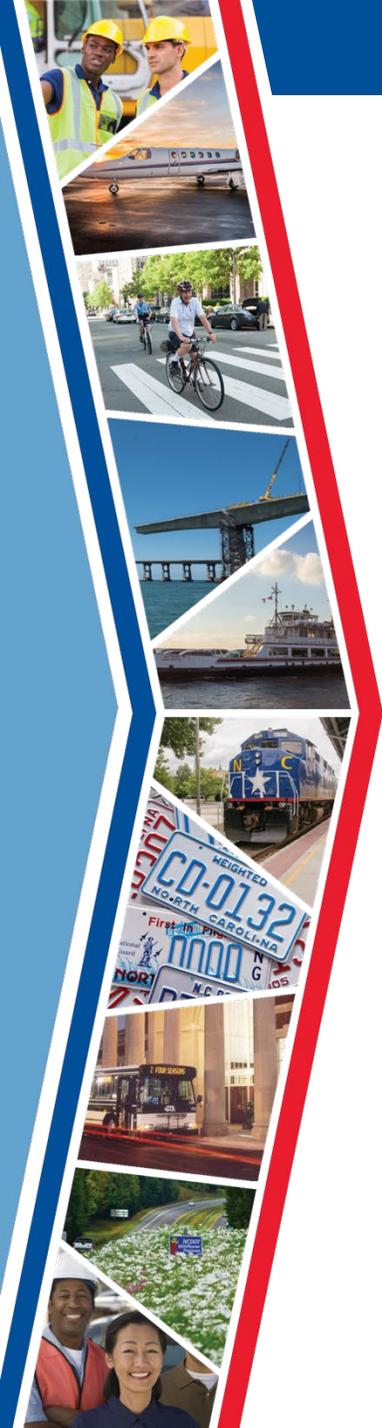
- Juan Conde: 919-675-6565

DBE Compliance

- Rodney Renix: 919-441-1518 (D1-5)
- Valisha Wallace: 984-220-1262 (D6-9)
- Reginald McNeil: 336-312-7751 (D10-14)



<https://connect.ncdot.gov/business/SmallBusiness/Pages/EOCCP.aspx>
<https://connect.ncdot.gov/business/SmallBusiness/Pages/Compliance.aspx>



Complete 540



Open to traffic (42 miles)

I-540 & Triangle Expressway



Under construction (18 miles)

Triangle Expressway Southeast Extension (Complete 540 - Phase 1)



Missing link (10 miles)

Triangle Expressway Southeast Extension (Complete 540 - Phase 2)

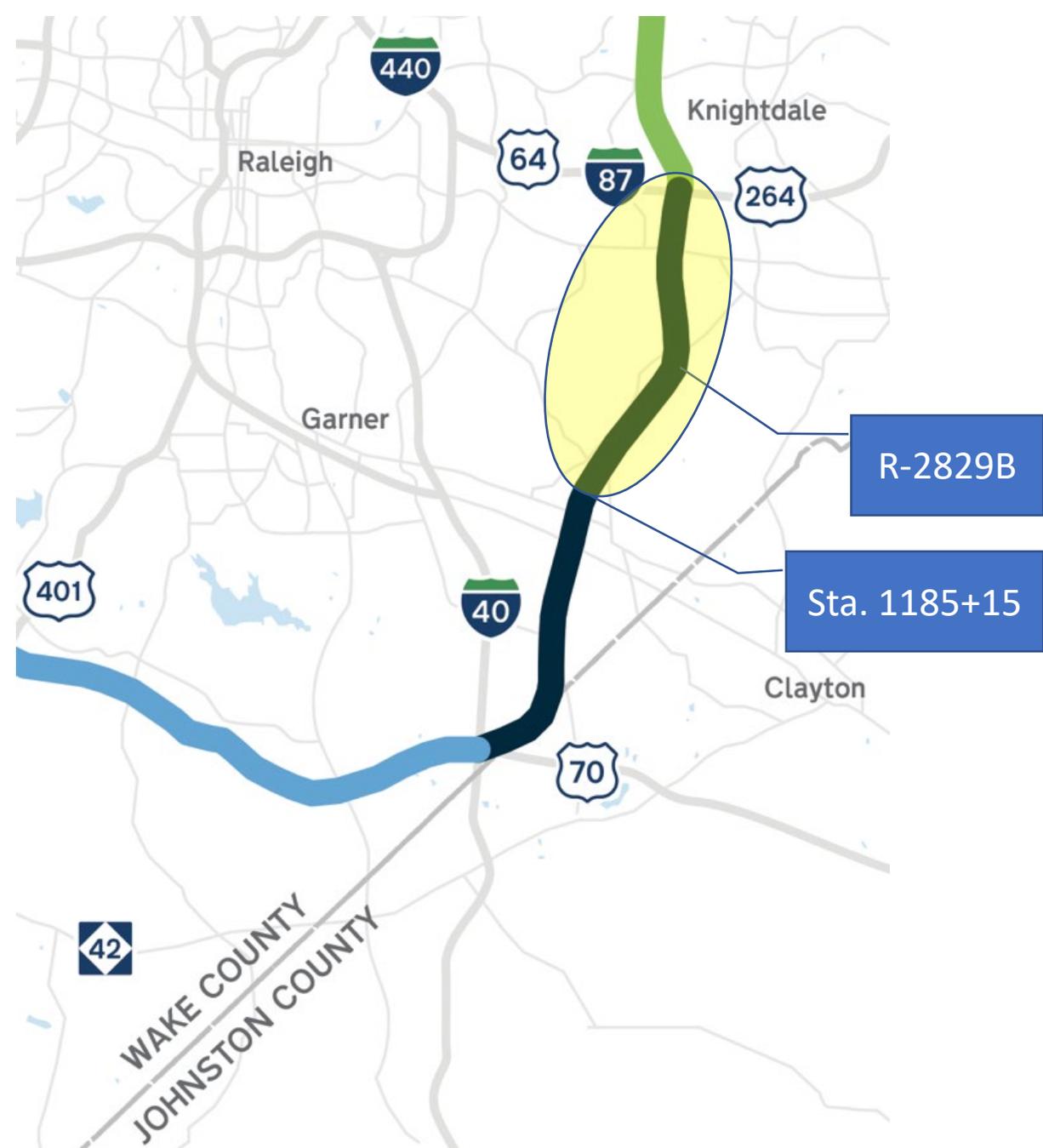


R-2829B

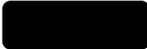
-  Open to traffic (I-540)
-  Under construction (R-2828)
-  Missing link (R-2829)

R-2829B

- 6.0 miles on new location
- 3 full interchanges + 1 partial



R-2829A

-  Open to traffic (I-540)
-  Under construction (R-2828)
-  Missing link (R-2829)

R-2829A

- 4.2 miles on new location
- 2 full interchanges + 1 partial

