



JTLOC
March 2016

Equal Opportunity Update

Marci Wright, Director



Office of Equal Opportunity and Workforce Services Programs (# of staff)

- Disadvantage Business Enterprise (DBE) / Minority Business Enterprise (MBE) / Woman-owned Business Enterprise (WBE) / Small Business Enterprise (SBE) / Small Professional Service Firm (SPSF) Certification and Utilization (9)
- Business Opportunity and Workforce Development (3)
- On-the-Job Training (OJT) (1)
- External Equal Opportunity (EO), Contractor Compliance, and Title VI (12)
- Internal Equal Employment Opportunity (EEO) / Americans with Disabilities Act (ADA) and Title VII (9)
- Education Initiatives (1)
- Administration (2)

Programs

Program	Federal Requirement	State Requirement
DBE Certification, Utilization, Commercially Useful Function	Yes	
MBE/WBE		Yes
SBE	Yes	Yes
OJT	Yes	
Business Development Support	Yes	Yes
Equal Employment Opportunity – internal	Yes	Yes
Equal Opportunity—external	Yes	
Contractor Compliance	Yes	



External Program Funding

Program	Funding Source	Current Funding Allocation
DBE Supportive Services	Federal	\$350,998
MBE/WBE Supportive Services	State	\$150,000
OJT Supportive Services	Federal	\$271,319
National Summer Training Institute	Federal	\$230,359



Equal Opportunities for Small and Disadvantaged Firms

When we receive Federal Funds and State Funds we provide opportunity for Jobs and Contacts

- Construction
- Procurement
- Employment

Follow the money

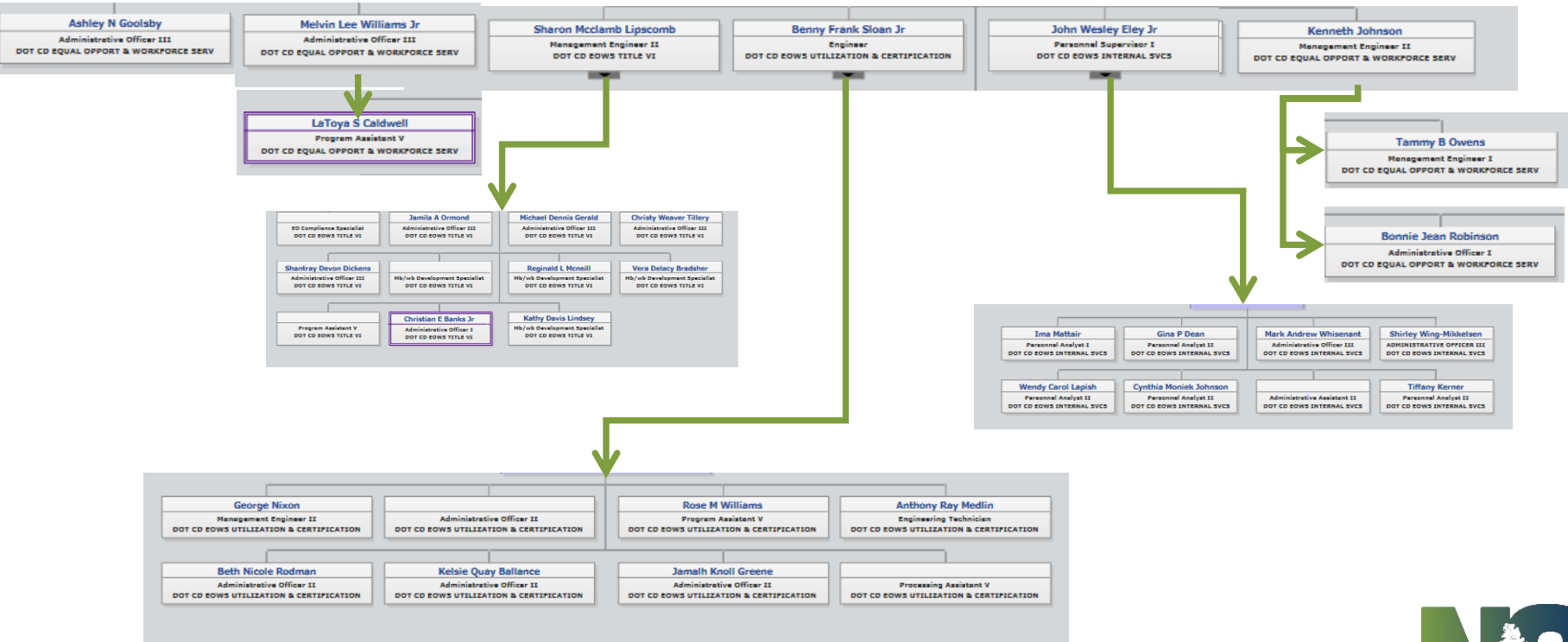


Equal Opportunity

- Staffing
- Performance
- Regulations
 - Legislative Ask
- Status update
- Current challenges
- The way forward



7



FTE Staffing

2010	2011	2012	2013	2014	2015	2016
10	11	15	12	22	37	37

Civil rights programs have been hosted in various business units through the years including Contractual Services, Office of the Secretary, Office of the Inspector General, and Human Resources.

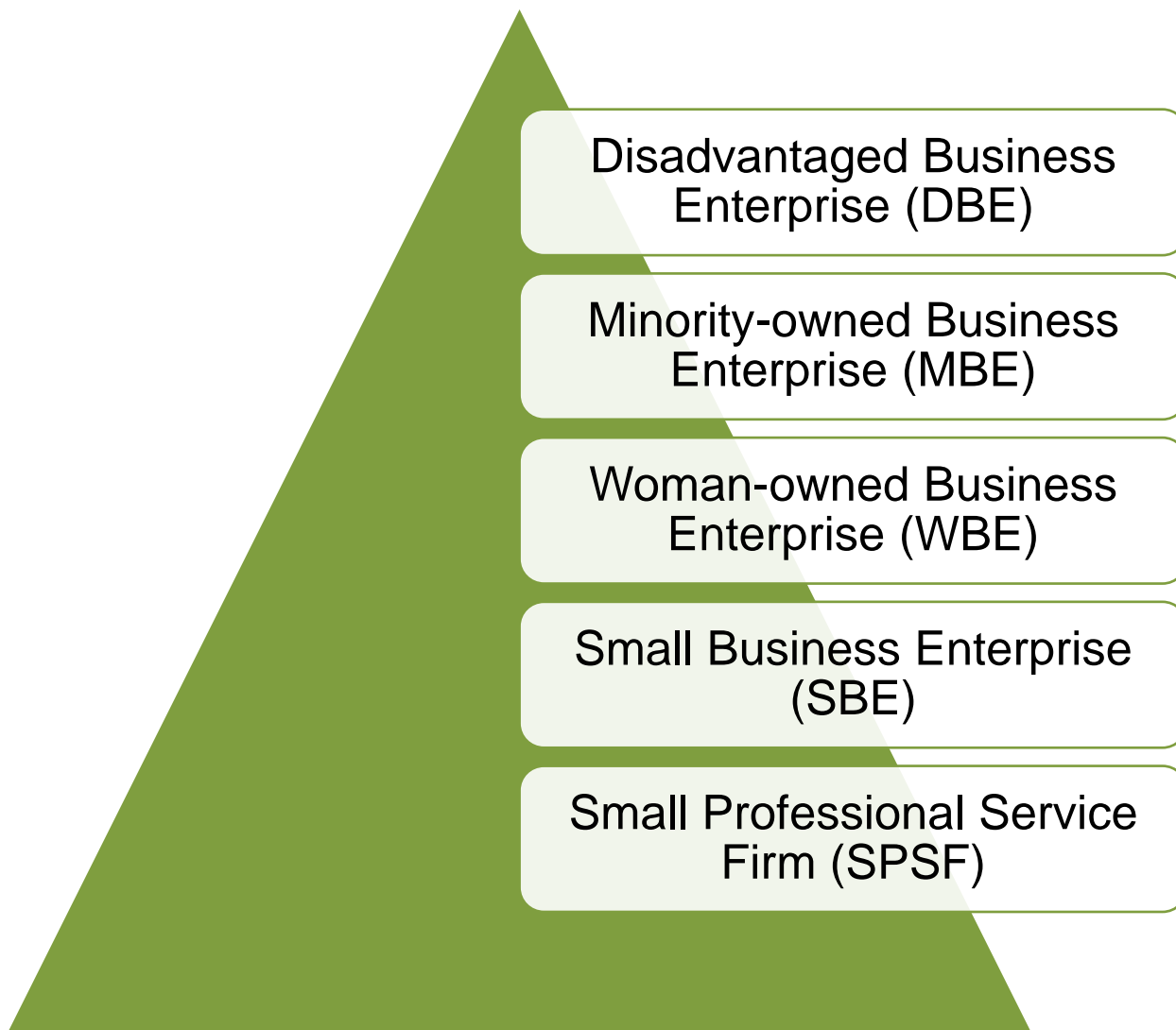
Personnel Budget in thousands (000)

2010	2011	2012	2013	2014	2015	2016
\$465	\$536	\$616	\$630	\$1,284	\$2,132	\$2,192

In 2014 Title VI was added to Civil Rights. In 2015 Reporting and Certification were added to Civil Rights.



Equal Contracting Opportunities



FTE Staffing by Program with Activity Stats

DBE/MBE/WBE/SBE/SPSF Certification and Utilization (9)

Task	Plan	YTD
Certify Firms	435	339
Certification Workshops	8	4
Public Information	8	6

This program encompasses federal and state required programs.



FTE Staffing by Program with Activity Stats

Business Opportunity and Workforce Development (3)

Task	Plan	YTD
Support, Counsel and Interview Firms	60	48

This program encompasses federal and state discretionary funding.



FTE Staffing by Program with Activity Stats

External EO, Contractor Compliance, and Title VI (12)

Task	Plan	YTD
Business Unit Compliance with Title VI	16	19
Contractor Compliance with FHWA 1273	30	5
Review DBEs CUF Performance on projects	60	23

These programs are required by federal regulations.

CUF = Commercially Useful Function



FTE Staffing by Program with Activity Stats

On-the-Job Training (1)		
Task	Plan	YTD
OJT Academy participants graduated from program	75	44
OJT Academy participants placed on jobs	45	19
OJT trainees placed on jobs	300	83

The OJT Program for trainees is a federal requirement.
This OJT Academy program uses federal discretionary funding.

OJT uses two outside consultants under contract to perform field audits



FTE Staffing by Program with Activity Stats

Internal EEO/ADA and Title VII (9)		
Task	Plan	YTD
Provide EEO and AAP training to supervisors	2000	1087
Respond within 60 days target percentage	90%	91.5%

These programs are required by federal and state regulations.



FTE Staffing by Program with Activity Stats

Education Initiatives (1, plus two summer interns)

Task	Plan	YTD
NSTI Transportation Careers introduced to HS students	80	84
HBCU Interns Placed with NCDOT	30	28
HBCU Intern Applications	100	157

These programs are funded with federal and state discretionary funding.



When did the program start?
State 1983

- § 136-28.4. **(Expires August 31, 2017)**
- **State policy concerning participation by disadvantaged minority-owned and women-owned businesses in transportation contracts.** (1983, c. 692, s. 3; 1989, c. 692, s. 1.5; 1989 (Reg. Sess., 1990), c. 1066, s. 143(a); 2006-261, s. 4; 2009-266, s. 3; 2010-165, s. 9; 2013-340, s. 2.2; 2014-108, s. 7(a).)



When did the program start?
State 1983

State MBE and WBE Program:

It is the policy of this State, based on a **compelling governmental interest**, to encourage and promote participation by disadvantaged minority-owned and women-owned businesses in contracts let by the Department



Statutory Triggers for Work Output

- Civil Rights Act 1964
 - Title VI (prohibits discrimination in program receiving federal assistance)
 - Title VII (prohibits employers from discriminating against employees)
 - Title 23 (nondiscrimination in employment on highway projects)
 - Title 49 (nondiscrimination in contracts for all modes)
- Americans with Disabilities Act 1990
 - Title II (ADA)



When did the program start?

State 1983

Federal 1983

- **Federal**

- **Establish goals (narrowly tailored)**
- **Ensure nondiscrimination**
- **Certify eligibility of firms**
- **Provide funded Supportive services for firms**



When did the program start?

State 1983

Federal 1983

- **Federal**

- The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts.



What is the Disadvantaged Business Enterprise Program?

The U.S. DOT's DBE program is a vehicle to **address discrimination** and its continuing effects by **providing opportunities** for disadvantaged businesses to **fairly compete** for Federally-assisted State and local contracts for transportation projects.

Created in 1980 under the authority of the Civil Rights Act of 1964.



DBE Program Objectives

The U.S. DOT's DBE program has three primary objectives:

- Providing a **level playing field** so DBEs can fairly compete for DOT-assisted projects;
- Ensuring that **only eligible firms** become certified as DBEs; and
- Assisting in the **development** of DBE firms so that they can compete **outside** the DBE program.



What is the Unified Certification Program (UCP)?

The UCP is required by federal law to ensure the only eligible firms participate.

DBE firms certified with NCDOT are eligible to have their work counted toward goals with:

- Federal Highway (FHWA)
- Federal Transit (FTA)
- Federal Aviation (FAA)

Note: Federal Rail Administration (FRA) and the Turnpike rely on DOT's implementation of the federal and state nondiscriminatory contracting laws.



Purpose of the NCDOT DBE Program

- Assist in the achievement of small and disadvantaged participation goals
- Ensure NCDOT is not a passive participant in discriminatory contracting and procurement practices
- Ensure that contract award decisions are made based on the contractor's good faith efforts to attain the stated goal



JOBS - Purpose of the NCDOT OJT Program

The FHWA On-the-Job Training (OJT) Program requires State Transportation Agencies (STAs) to establish apprenticeship and training programs targeted to move women, minorities, and disadvantaged individuals into journey-level positions to ensure that a competent workforce is available to meet highway construction hiring needs, and to address the historical under-representation of these groups in highway construction skilled crafts.



2014 Disparity Study



2014 Disparity Study

Disparity Ratios for NCDOT's Contract Dollars

To examine whether DBEs receive contract dollars in fair proportion to the availability, the Study calculated disparity ratios for each racial and ethnic group and white women.



2014 Disparity Study Ratios

Ethnicity/Gender	Ratio
African Americans	49.90%
Hispanic Americans	18.25%
Asian Americans	9.98%
Native Americans	61.41%
White Female Americans	79.87%
All MBEs	42.50%
All M/WBEs	57.88%

A ratio of **less than 80%** indicates the result is significant.



2014 Disparity Study Recommendations

The Study found ample evidence that race and gender remain barriers to the full and fair opportunity to participate in NCDOT's contracts and associated subcontracts.



2014 Disparity Study Recommendations

We make the following recommendations to provide equal opportunities and to comply with the requirements of the USDOT DBE program for federal-aid contracts.



2014 Disparity Study Recommendations

- A. Augment Race- and Gender-Neutral Measures**
- B. Continue Race- and Gender-Conscious Elements**



2014 Disparity Study Recommendations

Continue Race- and Gender-Conscious Elements

- ☐ Reauthorize the state M/WBE program
- ☐ Include all racial groups and white women in the state program's remedies
- ☐ Use the study to set the DBE and M/WBE annual goals



2014 Disparity Study Recommendations

Continue Race- and Gender-Conscious Elements

- ☐ Use the study to set the DBE and M/WBE annual goals
- ☐ Use the study to set DBE and M/WBE contract goals



Status Update



DBE Participation in Federal Highway Dollars

NCDOT Uniform Report of all Federally Assisted Projects and Procurement for Goods and Services

Prime contracts awarded this period	\$827,611,133
Total to DBEs (dollars)	\$117,221,913
Percentage of total dollars to DBEs	14.2%

October 1, 2014 – March 31, 2015 @ 10.2%
April 1, 2015 – September 30, 2015 @ 20.2%

DBE Participation in Federal Highway Dollars

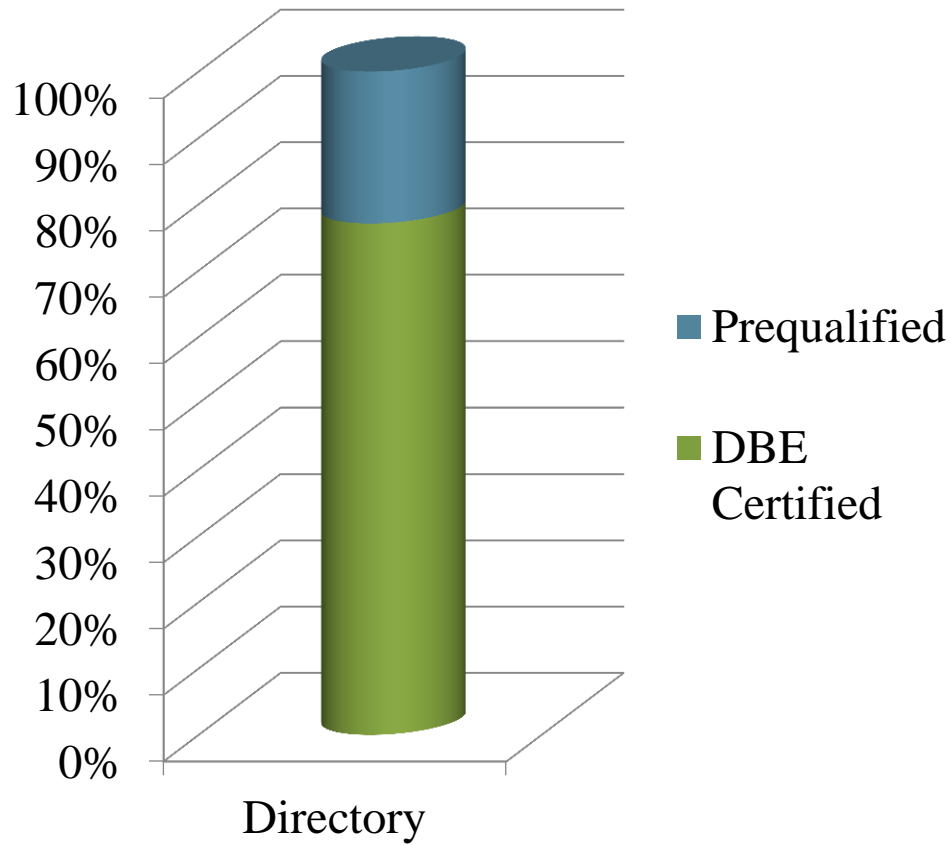
NCDOT Uniform Report of all Federally Assisted Projects and Procurement for Goods and Services

Overall Goal	14.7%
Goal Attained	14.2%

97%

=No Shortfall

Challenge

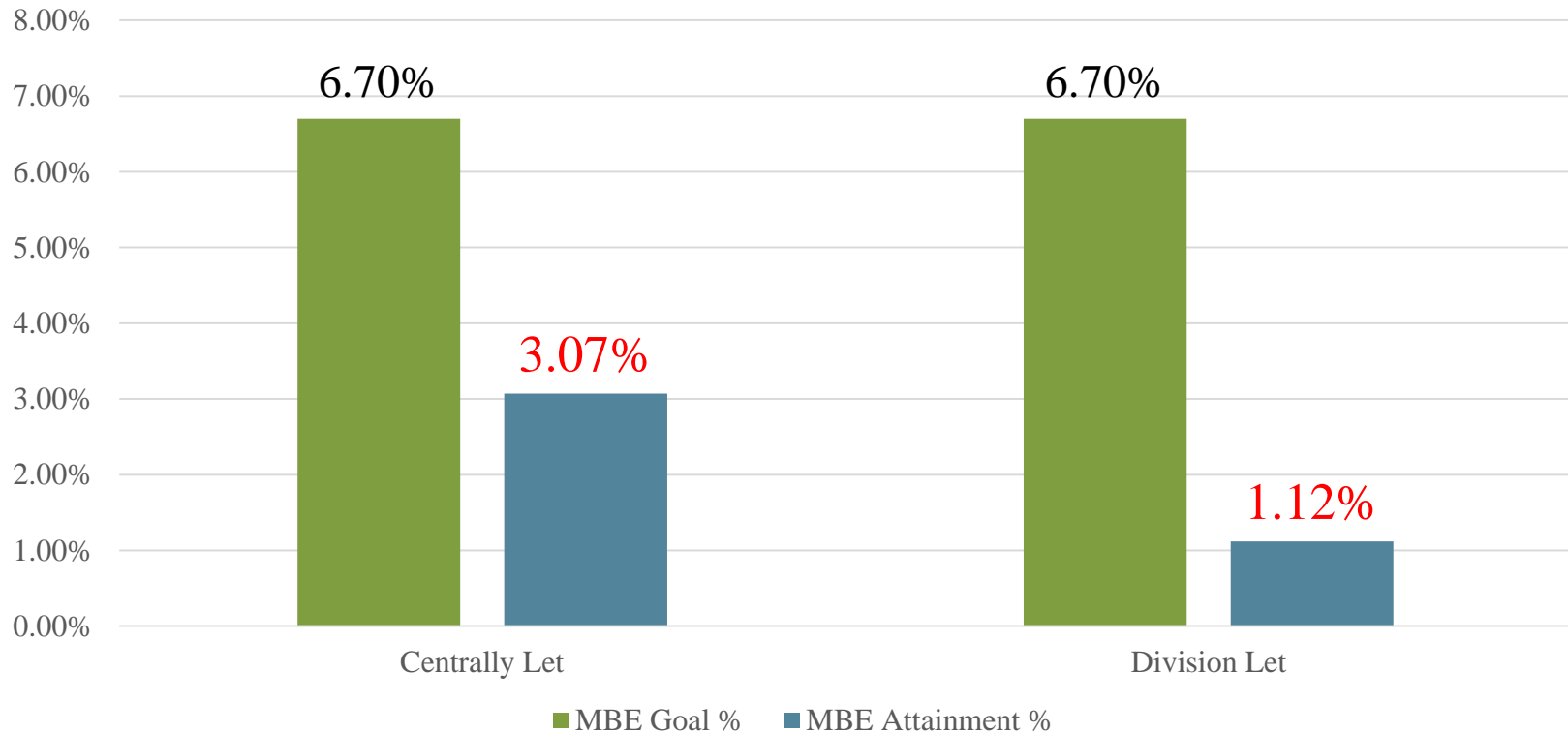


DBE Current State Assessment

- The challenge is to increase the number of prequalified DBE firms.
- The challenge is to improve the payment tracking system.
- We meet this challenge by assisting in the **development** of DBE firms so that they can compete.

Status Update State Funded Contract Awards

Statewide MBE Goal Attainment

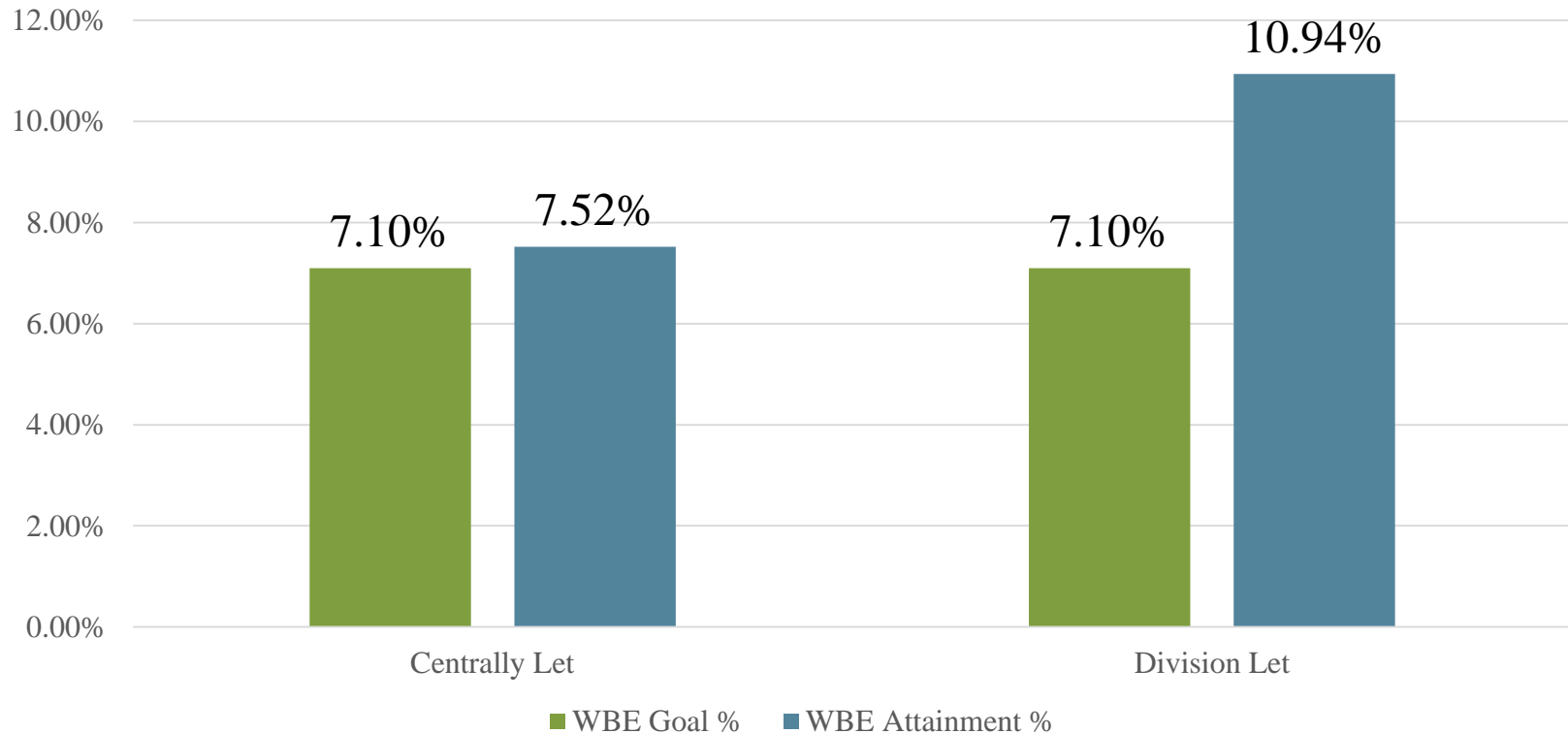


as of 9/29/2015



Status Update State Funded Contract Awards

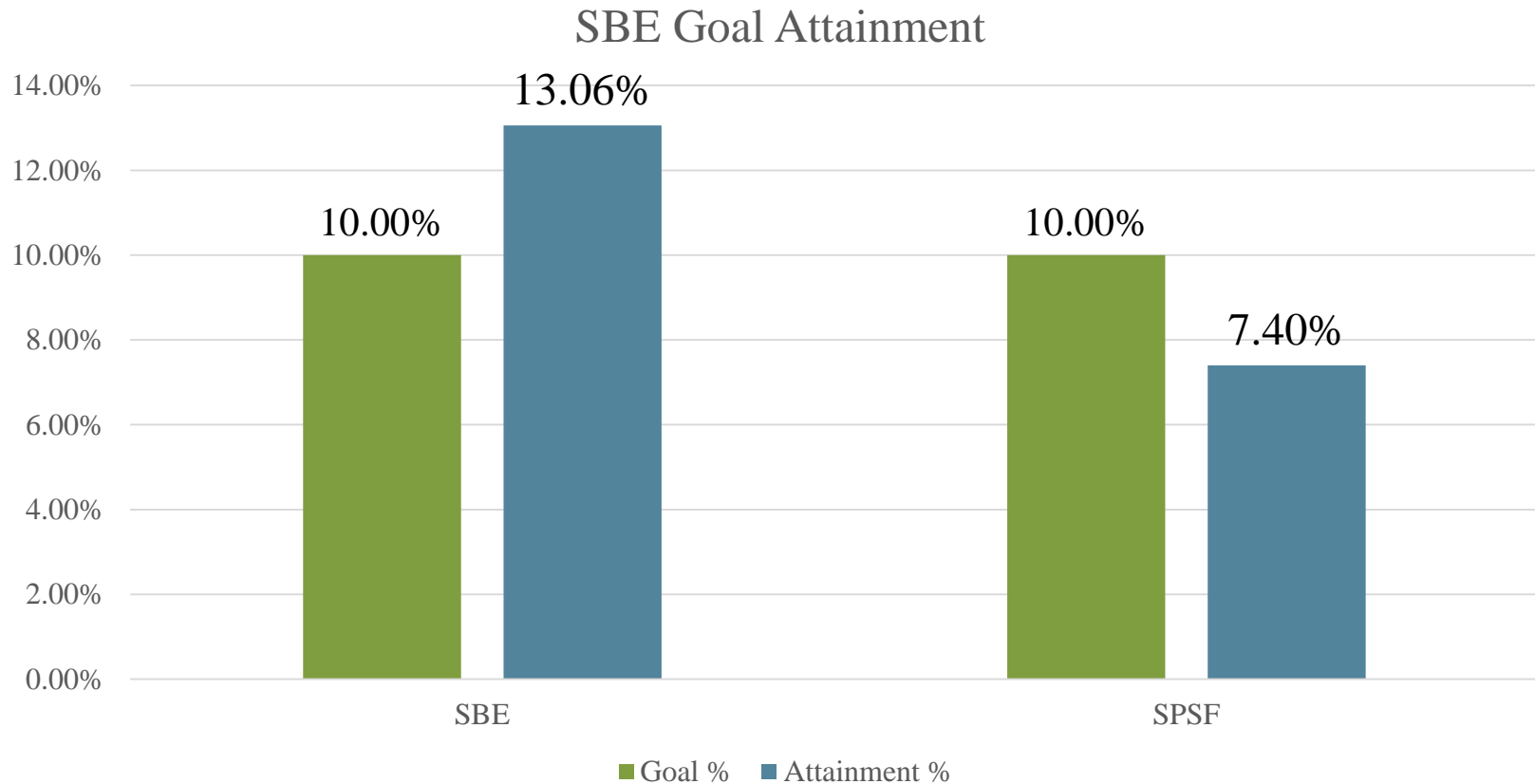
Statewide WBE Goal Attainment



as of 9/29/2015



Status Update Small Business Success



as of 9/29/2015

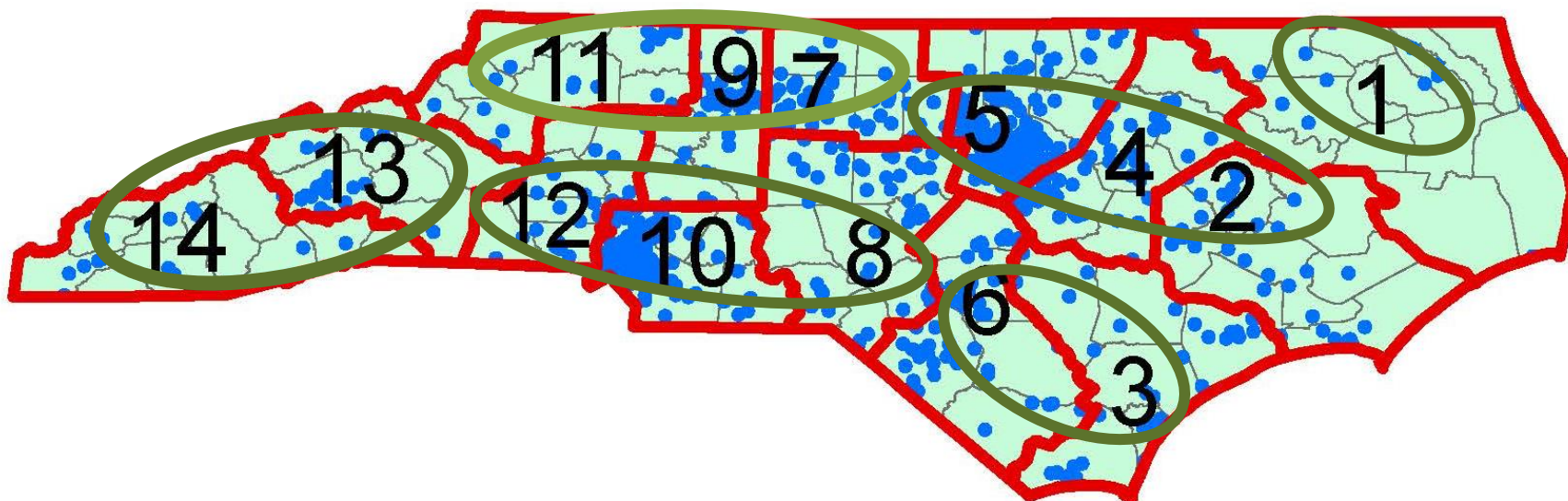


The Way Forward



The Tour

March visit to
Divisions 7, 9 and 11



DBE Firms by Division



Office of Equal Opportunity Offers Support

- Program Support
 - Monitoring, tracking, reporting
 - Goal setting education and training
 - Good faith efforts education and training
 - NCDOT
 - Stakeholders



Office of Equal Opportunity Provides Training

- Goal Setting Training
- Good Faith Effort Training
- Fraud Prevention
- Compliance Reviews for Divisions and Business Units
 - DBE Utilization
 - Title VI
 - EEO and ADA



Thank You



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