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ENGINEERING INSTRUCTION

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

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SUBJECT: D/WBE PROGRAM: ESTABLISHING
CONTRACT GOALS

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APPROVED:


Deputy Chief Engineer, Facilities Design

It is NYSDOT policy to afford the opportunity for full participation in its capital construction program to traditionally socially and economically disadvantaged persons by encouraging the development and use of Disadvantaged and Women's Business Enterprises (D/WBE) on NYSDOT construction contracts. To accomplish this, NYSDOT has annual statewide goals for D/WBE participation which are approved by the FHWA. Because the construction program is comprised of many individual contracts subject to varying circumstances such as the nature of the work, geographic location, and availability of certified D/WBEs, it is not practical to apply the statewide goals to each contract. For this reason, individual DBE and WBE goals are established for each contract based on contract size, nature of the work, and contract location.

In the past, the individual contract goals were established by the Transportation Affirmative Action Programs Office (TAAPO) based on input from the project designer. This method has proven unsatisfactory due to a lack of uniformity, poor correlation between the projected sublettable work and the work actually sublet on the contract, and incomplete knowledge of the availability of certified D/WBEs at the time the goals are assigned. To improve the assignment of D/WBE goals and the efficiency of the assignment process, future assignments will be made based on the use of a table of goals that classifies contracts according to the nature of the work, the estimated cost of the contract, and the NYSDOT region in which the contract is located. The table will be maintained by TAAPO and updated annually, if required, based on NYSDOT's record of goal attainment. Individual contract goals will be assigned by the designer, using the table of goals, when submitting the project to the Final Plan Review Bureau. Exemptions from the standard goals will only be allowed under certain circumstances, and any such exemptions must be approved by TAAPO. The currently recognized circumstances which may be sufficient cause to grant an exemption are the following:

1. The contract is programmed for a quick award or a 22 day award. It is assumed that the shortened award period is the result of a significant public interest such as health or safety.
2. The contract is of such a specialized nature with only a few pay items that it offers no significant opportunities for

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participation by certified D/WBEs. Such contracts would include: exclusive pavement marking contracts, demonstration projects of unique products or technology, exclusive landscaping contracts, etc.

The following procedure for D/WBE goal assignment will be implemented with the letting of April 3, 1986. This procedure supersedes Section 31, Chapter 21 of the Highway Design Manual.

DISADVANTAGED/WOMEN'S BUSINESS ENTERPRISE PARTICIPATION - Include in PS&E submission Form C-258(10/85). The designer will fill in the PIN, Engineer's Estimate, Type of Contract and D and WBE goals from the table. If in the designer's opinion the project offers little or no opportunity for D/WBE participation or the project requires an accelerated award (22 days) in the best public interest, the designer may request an exemption from D/WBE participation. The specific reasons for the request must be given on the C-258, and the request must be signed by the Regional Design Engineer; Director, Design Bureau; or Program Manager responsible for design.

The Final Plan Review Bureau will assign D/WBE goals to each contract after checking the goals submitted by the designer. For contracts for which the designer has requested an exemption, the Deputy Chief Engineer will forward the request to TAAPO noting concurrence or disagreement with the request. TAAPO will approve or deny the request and return the C-258 to Final Plan Review. For those requests which are denied, the D/WBE goals will be assigned by Final Plan Review in accordance with the table of goals.

Following the assignment of D/WBE goals (including exemptions), Final Plan Review Bureau will forward a copy of the completed C-258 to TAAPO.

D/WBE GOAL ASSIGNMENT TABLE
Project Size Ranges (\$ Million)

<u>Region</u>	<u>Project Type</u>	<u>0-0.1</u>	<u>0.1-0.25</u>	<u>0.25-0.5</u>	<u>0.5-1.0</u>	<u>1.0-5.0</u>	<u>Over 5.0</u>
1	Highway	0 ^a	4-2 ^b	4-2	7-2	10-2	12-2
	Bridge	0	4-2	7-2	7-2	10-2	12-2
	Other ^c	0	2-2	7-2	10-2	10-2	12-2
2	Highway	0	3-2	3-2	6-2	8-2	10-2
	Bridge	0	3-2	6-2	6-2	8-2	10-2
	Other	0	2-2	3-2	8-2	8-2	10-2
3	Highway	0	4-2	4-2	7-2	10-2	12-2
	Bridge	0	4-2	7-2	7-2	10-2	12-2
	Other	0	2-2	7-2	10-2	10-2	12-2
4	Highway	0	4-2	4-2	7-2	10-2	12-2
	Bridge	0	4-2	7-2	7-2	10-2	12-2
	Other	0	2-2	7-2	10-2	10-2	12-2
5	Highway	0	5-2	5-2	8-2	12-2	15-2
	Bridge	0	5-2	8-2	8-2	12-2	15-2
	Other	0	2-2	5-2	12-2	12-2	15-2
6	Highway	0	3-2	3-2	6-2	8-2	10-2
	Bridge	0	3-2	6-2	6-2	8-2	10-2
	Other	0	2-2	3-2	8-2	8-2	10-2
7	Highway	0	3-2	3-2	6-2	8-2	10-2
	Bridge	0	3-2	6-2	6-2	8-2	10-2
	Other	0	2-2	3-2	8-2	8-2	10-2
8	Highway	0	5-2	5-2	8-2	12-2	15-2
	Bridge	0	5-2	8-2	8-2	12-2	15-2
	Other	0	2-2	5-2	12-2	12-2	15-2
9	Highway	0	3-2	3-2	6-2	8-2	10-2
	Bridge	0	3-2	6-2	6-2	8-2	10-2
	Other	0	2-2	3-2	8-2	8-2	10-2
10	Highway	0	5-4	5-4	10-4	14-4	18-4
	Bridge	0	5-4	10-4	10-4	14-4	18-4
	Other	0	3-2	5-4	14-4	14-4	18-4
11	Highway	0	6-4	6-4	11-4	16-4	20-4
	Bridge	0	6-4	11-4	11-4	16-4	20-4
	Other	0	3-2	6-4	16-4	16-4	20-4

NOTES:

^a A zero percent goal was selected for the \$0-0.1 million range since, while these represented 63 out of 463 projects let in 1983, they aggregated to only \$3 million out of the \$605 million let and yielded only \$16 thousand out of the \$75 million in D/WBE participation.

^b All goals are expressed by two numbers; the first is the DBE goal, the second is the WBE goal.

^c The "other" category represents all projects other than highway construction, reconstruction and resurfacing, or bridge construction and rehabilitation. It includes railroad work, traffic signalization, drainage, comfort stations, guide railing, etc.

DISADVANTAGED/WOMEN'S BUSINESS ENTERPRISE GOALS

PIN: _____

PROPOSED LETTING DATE: ___/___/___

CONTRACT NO. _____

FPRB PRINTING DEADLINE: ___/___/___

ENGINEER'S ESTIMATE (Check one)

0 to 100,000	100,000 to 250,000	250,000 to 500,000	500,000 to 1,000,000	1,000,000 to 5,000,000	Greater than 5,000,000
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

TYPE OF CONTRACT (Check one)

Highway Bridge Other

GOALS FROM TABLE:

DBE Goal ___% WBE Goal ___%

This section to be completed only when an exemption is requested.

REQUEST FOR EXEMPTION OF CONTRACT FROM D/WBE GOALS

It is requested that this contract be exempted from the assignment of D/WBE goals for the following reasons:

Regional Design Engineer;
Director, Design Bureau; or
Program Manager responsible for design: _____

___ Concur Deputy Chief Engineer,
___ Disagree Facilities Design _____

The request for exemption is hereby ___ approved ___ denied.

Director, TAAPO _____ Date: ___/___/___