



Memorandum

Subject: **ACTION:** DBE Goal Submission
Schedule

Date: FEB 5 2013

From: Warren Whitlock *Warren Whitlock*
Associate Administrator for Civil Rights

In Reply Refer To:
HCR-30

To: Division Administrators

As an essential element of accomplishing the remedial objective of the Disadvantaged Business Enterprise (DBE) program, State Transportation Agencies (STAs) are required to establish an annual overall goal for DBE participation that comes as close as possible to approximating the level of participation one would expect in the absence of discrimination or its continuing effects. STAs must make DBE goal submissions to their Federal Highway Administration Division Offices at three year intervals, with roughly one third (17 or 18) of FHWA direct recipients making a submission each year. The annual overall DBE goal based on approved submissions will be in place for three years. This means that each year during the three year period the overall goal will remain the same until the next review cycle and each fiscal year the recipient must make a good faith effort to meet the goal.

During the three-year period, recipients may make mid-cycle adjustments to their methodology if they experience changes in circumstances that have a significant impact on the established goal. Such mid-cycle adjustments may not take effect until approved by FHWA. Examples of changes that may precipitate an adjustment include significant increases or decreases in the kind (not the amount) of work typically included in a recipient's federally assisted contracting program or significant increases or decreases (25 percent or more) in the availability of DBEs or potential DBEs in the recipient's transportation contracting market. The FHWA also may direct a recipient to undertake a mid-cycle review of its methodology if necessary to ensure the goal continues to reflect conditions that exist in the local transportation contracting market.

Each STA will submit for approval their annual DBE goal methodology on August 1st based upon the schedule set forth below.

August 1, 2013

Nevada, Hawaii, Oregon, Idaho, Montana, Indiana, Michigan, Ohio, Kentucky, New York, Delaware, New Jersey, Massachusetts, Oklahoma, Arkansas, Louisiana, Mississippi, and Texas

August 1, 2014

Arizona, Alaska, Washington, Nebraska, Missouri, Iowa, Wisconsin, North Dakota, New Hampshire, Pennsylvania, Rhode Island, Virginia, Florida, Puerto Rico, South Carolina, Tennessee, and New Mexico

August 1, 2015

California, Utah, Wyoming, Colorado, South Dakota, Kansas, Minnesota, Illinois, District of Columbia, Connecticut, Maryland, West Virginia, Vermont, North Carolina, Maine, Alabama, Virgin Islands, and Georgia

FHWA has a goal of reviewing STA goal methodologies, creating and submitting decision documents, and obtaining legal sufficiency reviews within 90 days of the date on which the Division Office receives the methodology from the STA. This timeframe is 180 days if the STA has a disparity study. When the FHWA Division Office submits a decision document to the relevant FHWA counsel's office for legal sufficiency review, please copy the Office of Civil Rights (HCR), noting the date the Division Office received the methodology from the STA. Please also provide HCR with a copy of the final decision document and the letter from the FHWA Division to the STA approving the overall goal. Send to martha.kenley@dot.gov.

At the end of each fiscal year, if the STA has not met its overall goal, it is required to submit to the Division Office a document identifying and analyzing the reasons why the goal was not met and corrective measures to be taken going forward. The FHWA Division may approve, conditionally approve, or reject the sufficiency of the document. FHWA approval is required for the STA to be in compliance with the DBE program.

Questions about this memorandum should be directed to Martha Kenley, National DBE Program Manager, at martha.kenley@dot.gov