



Alaska Department of Transportation and Public Facilities Civil Rights Office

JULY 2015

FREQUENTLY ASKED QUESTIONS (FAQS) RACE-NEUTRAL DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

1. What is the difference between a race-neutral DBE program and a race-conscious DBE program?
A race-conscious DBE program is one where there is an overall DBE goal reflective of DBE utilization across all projects, which DOT&PF and its contractors must meet, and where DOT&PF will use DBE contract goals on individual projects as a means to meet it. A race-neutral DBE program is one where there is an overall DBE goal that DOT&PF and its contractors must meet, however contract goals are not used as a means to meet it.

What this means for contractors is that while you will not have to meet a DBE contract goal as a condition of award, it is yours and DOT&PF's responsibility to meet the annual overall DBE goal of 8.46% DBE participation.
2. Does the change from a race-conscious DBE Program to a race-neutral DBE Program affect existing contracts?
No. Only contracts advertised after July 1, 2015 are affected by the change to a race-neutral DBE program.
3. Do we still need to report DBE Commitments and DBE Utilization under the new race-neutral DBE program?
Yes, DBE commitments and DBE utilization are still required under a race-neutral program. Collecting data on DBE participation is federal requirement, and will allow DOT&PF to continue improving the DBE program.
4. What does the overall FHWA DBE Utilization Goal of 8.46% really mean?
The overall DBE goal of 8.46% represents the total DBE participation rate relative to non-DBE participation, across all FHWA-assisted contracts awarded during the federal fiscal that DOT&PF in collaboration with its contractors must meet.
5. Why is the Northern Region setting goals on FAA-funded contracts, when the Central and Southcoast Regions are race-neutral on FAA contracts?
Because DBEs have historically been underutilized on FAA-funded contracts at airports in the Northern Region, race-conscious contract goals will be used as a means of increasing DBE utilization on these contracts.
6. Since all FHWA-funded contracts and contracts funded by FAA in two regions are currently operating under a race-neutral DBE program, what happens if the overall race-neutral DBE goals are not met?
If the overall DBE goals are not met or sufficient good faith efforts to meet those goals have not been made, DOT&PF will implement race-conscious contract goals.
7. How does the Central Region Waiver affect race-neutral DBE Utilization?
Under a race-neutral program all DBE participation, including non-minority women-owned DBEs in the Central Region, will be counted equally toward the overall DBE goal.

8. What about the Planholders Self-Registration List (PHSRL)?

The PHSRL will continue to serve as a portal for prime contractors to connect with DBEs and small businesses interested in working on projects.

9. Are Good Faith Efforts (GFE) requirements still applicable under a DBE Program?

Bidders must submit GFE documentation for Federal-aid projects; although evaluation of GFE for sufficiency is not a condition of award, documenting GFE is required and is necessary for the Department's and FHWA's determination of compliance with regulations.

For GFE purposes, contact DBEs listed in the Department's Plan Holders Self-Registration List for the particular project being bid at least 7 calendar days prior to bid opening to solicit their interest. Log each contact with a DBE firm on a Contact Report Form (Form 25A-321A).