



DBE INDUSTRY UPDATE MEETING

NOVEMBER 15, 2024 NDDOT BID OPENING

OCTOBER 11, 2024 BID OPENING UPDATE

- 5 Federal Aid Projects – all awarded as of 11/7/2024
 - 22939 DBE Goal of 4.50% - ALB achieved 4.82%
 - Race Neutral DBE Participation on 23934, 23941 & 24182
 - Overall DBE Participation 4.82% adjusted for FAS
 - \$211,529 to DBE Subcontractors
 - \$9,893 to DBE Suppliers
 - \$5,077 to DBE Manufacturers

NOVEMBER 15, 2024 BID OPENING

- 15 Federal Aid Projects – 23560 & 24414 are not federally funded

JOB NUMBER	DBE GOAL
22957	6.00%
23653	8.00%
23760	5.00%
24113	8.00%
24126	5.00%
24165	4.50%
24302	3.00%

- 23277 from November Moved to NEW December 20, 2024 Bid Opening
 - IMPORTANT – Form Cs/Good Faith Efforts will be due 12/26 – it is recommended to get Form Cs signed from DBEs at time of quote

NEW DBE SPECIAL PROVISIONS/FORMS

- Bidders List Requirement - 49 CFR 26.11(c)
 - New/Revamped Form B – SFN 52013
 - Required at time of bid – email to subquotes@nd.gov
 - From all bidders – not just ALB
 - Must collect the following from subs that quoted:
 - Firm Name
 - Firm Address including Zip Code
 - DBE/Non-DBE Status
 - Race & Gender of firms Majority Owner
 - NAICS Code
 - ~~Age of Firm~~ Year Established
 - Annual Gross Receipts
- BidX will include the form as part of the bid starting in December bid opening
 - Primes will be able to upload the form and/or a spreadsheet with the required info

NEW DBE SPECIAL PROVISIONS/FORMS

- DBE Distributor Category - 49 CFR 26.55(e)(3)
 - New DBE Distributor Category – Counted at 40% DBE Participation of Total Contract Value (includes transportation cost – does NOT include sales tax)
 - Do not have to own/operate an establishment, maintain inventory or use own distribution equipment
 - Must demonstrate ownership of materials (paid for by DBE) and assume all risk for loss or damage during transportation
 - Will be required to provide evidence in terms of Purchase Order or Bill of Lading – Indicating Free on Board at point of origin or similar terms that transfer responsibility of the items in question to the DBE from point of origin until point of delivery
 - Materials must be delivered by a 3rd party (e.g. cannot be delivered by manufacturer)
 - New Form C for DBE Supplier/Distributor – SFN 62503
 - Required any time a DBE Supplier or Distributor is used
 - Answers to questions will determine if DBE should be counted at Supplier 60% DBE or Distributor 40% DBE
 - DBE Directory is updated to identify Distributor/Supplier status, ~~however, SFN 62503 overrides anything listed on DBE Directory~~

NEW DBE SPECIAL PROVISIONS/FORMS

- DBE Regular Dealer/Supplier Eligibility
 - To count as 60% DBE Supplier a DBE must own & operate a store, warehouse or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in sufficient quantities, and regularly sold or leased to the public in the usual course of business
 - An operational establishment is a building easily accessible to the public with specified hours of operation (open to the public/staffed), signage with the business name, sufficient inventory on hand and proof that the items have been sold from that establishment to the public in the last 6 months
 - Exceptions to the above requirements are only available if **Bulk or Specialty Items** are being supplied. Descriptors for Bulk/Specialty Items are listed in the DBE Special Provisions. NDDOT is currently working on a more comprehensive list. **To count any Bulk/Specialty Items at 60% DBE Supplier credit 100% of the materials being supplied must be delivered using the DBEs own distribution equipment operated by either themselves or their employees. If ANY of the material is delivered by anyone other than the DBE, it is only eligible for brokerage credit.**
 - A new DBE applicant or existing DBE that wishes to update their certification to include Distributor or Supplier status of any materials must provide proof before it can be added to their DBE Directory listing
 - DBEs quoting as a Distributor or Supplier must meet all requirements at time of quote

NEW DBE SPECIAL PROVISIONS/FORMS

- Other DBE SP Updates:
 - DBEs used on federal aid projects must be provided a copy of the Proposed Progress Chart within 7 days of project award
 - Primes are not required to solicit DBEs that indicate on their Directory Listing that they do not work within ND, however, if a DBE quotes a Prime the quote must be addressed regardless (same for Districts)
 - Provide documentation asking subs to solicit DBEs with GFE paperwork (copy of email)
 - Non-DBE Subs/Suppliers no longer required to submit quotes to subquotes@nd.gov
 - Initial solicitations to DBEs must be made via e-mail
 - Follow-ups (if you have not received a response from initial solicitation) can be made via email or telephone
 - Log must be kept, as well as copy of initial email(s)
 - Attach quotes for every Form C (even for non-DBEs used in a Bid Differential)

OTHER INFORMATION

- New Goal Achievement Report for Web – October now available
- DBE Industry Update PowerPoints Published to Web
- All DBEs added after award need Form C sent to CRD & need to be added to the contract in B2Gnow (can be attached to your sub request in system)
- DBE Directory TIPS Document on Web
- DBEs must confirm being added to a Utilization Plan before it can be submitted
- Primes can request subs be removed from contracts in B2Gnow (NEW)
- DBE Trucking 1:1 eligibility has been updated, only firms with *Eligible to quote 1:1 ratio* listed in their DBE Directory may quote that way
 - Primes need to be aware of how many trucks a DBE has in their own fleet that is eligible to count towards DBE participation (listed on Directory)
 - DBEs may still quote additional trucks that are not part of their own fleet, but must clearly identify that they do not count as DBE on their quote so that the Prime knows how much to calculate towards the goal



DBE DIRECTORY UPDATES

New:

N/A

Removals:

Cousin Freddy's Septic Service 10/18/2024 (ND)

Withdrawals:

None

Certification Updates:

*DBEs should regularly check their DBE Directory Listing to make sure all information is up to date and correct. If anything is incorrect, please contact Jessica Stadick-Feist at jstadick@nd.gov



QUESTIONS?

NORTH
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