**DBE/EDGE Participation Plan**

Based on a recent FHWA project review, it has come to our attention that the required written plan for DBE (or EDGE) participation for projects that include Goals is not being submitted in most cases. Each ODOT agreement that includes a DBE or EDGE Goal includes a contractual clause that sets out the requirements for managing and meeting the Goal, including the following language:

*In order to be assured that the Consultant complies with this contractual requirement during the course of the work, the Consultant* ***shall****:*

*(a)* ***Prior to starting work,*** *provide a written plan for DBE/EDGE participation including a breakdown by PDP step if applicable (or similar breakdown by task), description of work to be performed by each DBE/EDGE subconsultant, and projected percentage of DBE/EDGE participation during each step of the work.*

*(b) Provide an ongoing summary of DBE/EDGE subconsultant amounts invoiced, for the current invoice and as a running total for the contract.*

*(c) Provide a quarterly report of the amounts actually paid to DBE subconsultants, and certification by the subconsultants of the amounts received.*

*(d) Provide a written explanation if the level of DBE/EDGE participation falls below the level stated in the DBE/EDGE implementation plan, including a plan to meet the goal.*

The participation plan is intended to provide a benchmark for review of progress towards meeting the Goal throughout the life of the agreement. Deviations from the initial plan may require adjustments in later steps to ensure that the goal is met.

In order to ensure that the plan is being submitted by the Consultant and reviewed by the District or Office, each District or Office will be required to document that a participation plan is in place prior to authorization of the agreement.

A task has been added in SAFe requiring the preparation and submission of this plan. For Prime Agreements this task is identified but will not have costs associated with the initial development of the plan. After the prime agreement is executed updates and modifications to the plan would be included in General Oversight.

**EXAMPLE DBE/EDGE Participation Plan**

This is an example of a completed DBE/EDGE participation plan. The intent of this plan is to ensure that the DBE or EDGE goals set for the project are met by determining in advance how work will be distributed among DBE or EDGE firms. This plan should be submitted along with the initial fee proposal. The plan should be considered a living document and will need to be updated as the project progresses and modifications are added or other changes to the project are made.

The example shown below is for a PDP type project. While the fee may be known at the time of the Participation Plan preparation for the early phases, fee estimates will need to be made for the subsequent phases and adjusted as necessary.

For task order or construction inspection agreements, specific work assignments may not be known in advance. A general table showing each DBE or EDGE firm as applicable and their intended fee percentage overall for the agreement should be provided as the plan.

Please note that caution should be exercised when assigning work for DBE or EDGE participation if the tasks are identified as “If Authorized”, there is a possibility the task(s) may not be performed, the value of the work may be overestimated, or the work is to be performed near the end of the project. Regardless of the circumstances involved, it will be the consultant’s responsibility to demonstrate “Good Faith Efforts” per Title 49, Part 26 in an attempt to meet the assigned *goal for the project.*

The sample implementation plan and associated guidance can be found on the Manuals and Contract Documents section of the Consultant Services page of the Department’s website under the category “Proposal Documents”, address as follows:

[http://www.dot.state.oh.us/Divisions/Engineering/Consultant/Pages/Manuals-and-Contract-Documents-.aspx](https://www.dot.state.oh.us/Divisions/Engineering/Consultant/Pages/Manuals-and-Contract-Documents-.aspx)

Prime Consultant: **ABC Consulting** Date of Plan: 9/24/15

Project: FRA-1-1.23 [C-R-S] [revise as updates are made]

Agreement No. 99999

PID: 12345

Fixed heading information

Goal: 10% DBE [Use % and DBE or EDGE as shown in project posting]

Project Description: Bridge superstructure replacement and profile raising. AER to determine if the bridge is to be widened or not. Alternate 1 – Widen bridge; Alternate 2 – Do not widen. [Revise description as project progresses]

DBE [or EDGE as applicable] Firms:

|  |  |
| --- | --- |
| Name: | Services: |
| Firm A | Survey |
| Firm B | Geotechnical |
| Firm C | Right-of-way Plans/CAD |

**Plan for Alternate 1 – Widen Bridge:**

Expected Fee $300,000

Fixed Table format

DBE [or EDGE] Goal $30,000 [Expected fee x % goal]

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| PDP Phase | Expected Agreement fee\* | DBE Firm | Work | Expected DBE Fee | % of Overall Fee |
| Phase 1 – PL | $0 |  |  |  |  |
| Phase 2 – PE | $90,000 | Firm A | Survey | $12,000 | 4.0% |
| Phase 3 – EE | $150,000 | Firm B | Geotech | $22,500 | 7.5% |
| Phase 4 – FE | $55,000 |  |  |  |  |
| Phase 5 – CO | $5,000 |  |  |  |  |
| Total | $300,000 |  |  | $34,500 | 11.5% |

**Plan for Alternate 2 – No Widening:**

Expected Fee $270,000

DBE [or EDGE)] Goal $27,000 [Expected fee x % goal]

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| PDP Phase | Expected Agreement fee\* | DBE Firm | Work | Expected DBE Fee | % of Overall Fee |
| Phase 1 – PL | $0 |  |  |  |  |
| Phase 2 – PE | $90,000 | Firm A | Survey | $12,000 | 4.4% |
| Phase 3 – EE | $130,000 | Firm C | R/W Plans | $13,500 | 5.0% |
|  |  | Firm C | CAD Assist. | $5,000 | 1.9% |
| Phase 4 – FE | $45,000 |  |  |  |  |
| Phase 5 – CO | $5,000 |  |  |  |  |
| Total | $270,000 |  |  | $30,500 | 11.3% |

Notes: For both plans, if additional DBE fees are needed, Firm C will provide assistance with quantity takeoffs and additional CAD work in Phase 4.