Jerry Wray  
Director  
Ohio Department of Transportation  
1980 West Broad Street  
Columbus, OH 43223  

Dear Director Wray:

In accordance with the provisions of 49 CFR §26.45, the Federal Highway Administration (FHWA) Ohio Division has reviewed the overall Disadvantaged Business Enterprise (DBE) Goal Methodology Proposal (Methodology) submitted by the Ohio Department of Transportation (ODOT) for Federal Fiscal Years (FFY) 2017 – 2019. In the Methodology, ODOT proposes an overall DBE goal of 15.6%, of which it projects that it will meet 10.8% through race conscious measures, and 4.8% through race neutral measures.

Our review considered the overall goal, as well as ODOT’s descriptions of the data and methods used in arriving at the overall goal, including the base figure calculation, and evidence supporting the calculation. Any adjustments made to the base figure and evidence supporting these adjustments, including a summary of the relevant evidence specific to your jurisdiction. The projection of the portion of the overall goal that ODOT will meet through race neutral, and race conscious means as well as the basis for these projections; evidence of public participation in establishing the overall goal. Ultimately, ODOT has aimed to propose a goal that most accurately reflects the percentage of DBE participation expected on design and construction contracts in the absence of current plus past discrimination.

We have determined that the methodology ODOT employed is consistent with the requirements of 49 CFR §26.45. We have also approved the projection of the portions of the overall goal, which ODOT expects to meet through race neutral, and race conscious means. However, this projection is subject to modification in accordance with 49 CFR §26.51. The basis for our conclusion is set forth more fully in the attached document.

ODOT is expected to make a good faith effort to meet its goal each year during the three-year period in which it is in effect. Any mid-cycle adjustments to the goal, which may be needed to reflect changed circumstances, require prior FHWA approval. ODOT’s next regularly scheduled DBE Goal Methodology is due August 1, 2019.
Please note that ODOT must submit a separate DBE Goal Methodology for programs funded by the Federal Transit Administration (FTA) and the Federal Aviation Administration (FAA), based on the goal setting approach outlined in ODOT’s approved DBE program. ODOT should contact its regional FTA and FAA offices for further guidance and assistance.

Based on recent changes to its administration of the DBE program, ODOT has submitted changes to its DBE Program Plan, which are approved in light of changes made to ODOT’s overall DBE goal. ODOT’s DBE Program Plan, is in compliance with the regulations.

Pursuant to CFR §26.47(c), State Departments of Transportation (State DOTs) that fall short of their overall DBE goal in any given year must submit a Shortfall Analysis and Corrective Action plan that describes specific reasons for the shortfall and includes a timeline for corrective actions that could reasonably be projected to cause the State DOT to meet its goal during the next goal cycle. If ODOT does not meet its annual overall goal in any given year, the aforementioned reports are due to the FHWA Ohio Division office by December 31st. The FHWA Ohio Division has the authority to approve, disapprove, or issue a conditional approval of the State DOT’s Shortfall Analysis.

Thank you for your diligence in administering the DBE program. If you have any questions, please contact Rachyl Smith, Civil Rights Program Manager, at rachyl.smith@dot.gov or 614-280-6877.

Sincerely,

Laura S. Leffler
Division Administrator