

# Challenges of Meeting Oklahoma's DBE Goals

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**Assistant Chief**  
**Financial Assistance Division**  
**Oklahoma Water Resources Board**



## Financial Assistance Division

- ◆ **Administers five grant and loan programs including the CWSRF and DWSRF programs**
  - **All elements of CWSRF are managed by OWRB**
  - **Administers financing element of DWSRF program**



## CWSRF and DBE

- ◆ Disadvantaged Business Enterprise Program is very important
- ◆ Encourages entities receiving federal funds to utilize disadvantaged businesses
- ◆ ODEQ negotiates the goals which are then adopted by other agencies



## DBE Challenges

- ◆ Goal-oriented program
- ◆ Entities are assuming DEBT as part of SRF Program
- ◆ Goals adopted were negotiated to fit ALL grant programs not just construction based programs
- ◆ State Law Issues – split bidding, lack of designation, etc.



## OK CWSRF Process

- ♦ ALL large communities (pop. >10,000) are required to participate
- ♦ Required to follow the six affirmative steps
- ♦ Procurement includes construction, services, supplies and equipment



## OK Program Specifics

- ♦ Provide DBE listing agencies
- ♦ Procurement documentation submitted and checklist completed
- ♦ Checklist ensures that the applicant has followed the required solicitation process
- ♦ Letter/telephone solicitation records, letters of intent and the MBE/WBE Certification
- ♦ If in-house capabilities, must state the amount of MBE/WBE subcontracts expected



MINORITY CONTRACTOR/ A/E UTILIZATION  
INFORMATION SHEET

ORF-245

Applicant /Borrower: \_\_\_\_\_

Contract Amount: \_\_\_\_\_

Prime Contractor/ A/E

Name: \_\_\_\_\_ Telephone: (\_\_\_\_) \_\_\_\_\_

Address: \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(A) SUBCONTRACTOR	(B) <input type="checkbox"/> MBE <input type="checkbox"/> WBE
Name: _____	(C) <input type="checkbox"/> Black
Address: _____	<input type="checkbox"/> Native American
	<input type="checkbox"/> Hispanic
	<input type="checkbox"/> Asian
Telephone: (____) _____	(D) <input type="checkbox"/> Contractor <input type="checkbox"/> Supplier
(E) Task or Material Offered to MBE/WBE	
(F) Will MBE/WBE be utilized? <input type="checkbox"/> Yes <input type="checkbox"/> No	(H) Estimated Amount Subcontract: \$ _____
(G) If yes, attach letter of intent signed by both parties.	
(I) If MBE/WBE is not utilized, give reason(s):	
(J) Attach copies of letter of solicitation or phone memos.	



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(XII) If MBE/WBE is not utilized, give reason(s):	
(J) Attach copies of letter of solicitation or phone memos.	
If Applicable, organization(s) contacted to obtain list of potential MBE/WBE firms:	
Name: _____	Telephone: (____) _____
Address: _____	Contact: _____
_____	List Provided: <input type="checkbox"/> Yes <input type="checkbox"/> No
_____	
Name: _____	Telephone: (____) _____
Address: _____	Contact: _____
_____	List Provided: <input type="checkbox"/> Yes <input type="checkbox"/> No
_____	
Signature of Prime Contractor / A/E _____	Date _____
Typed or Printed Name _____	



ORF-248C  
6/29/89

**Record of Telephone Solicitation for MBE/WBE**

\_\_\_\_\_(Borrower/or Contractor) Date Called \_\_\_\_\_

\_\_\_\_\_(Contract)

ORF-\_\_\_\_\_-CW (Project Number)

Prime Contractor Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MBE     WBE

Potential Subcontractor:  Contractor     Supplier

Name: \_\_\_\_\_  Black

Address: \_\_\_\_\_  Native American

\_\_\_\_\_  Hispanic

\_\_\_\_\_  Other

Telephone: \_\_\_\_\_


Tasks or Materials Offered to MBE/WBE	Price Quoted by MBE/WBE	Will MBE/WBE be Utilized?	
		Yes	No
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

Will MBE/WBE be utilized?  Yes     No

If yes, attach letter of intent signed by both parties.

If MBE/WBE is not utilized, give reason: \_\_\_\_\_

If cost is reason for rejection, can price be negotiated? \_\_\_\_\_



ORF-248A  
R3/04/00

Black( )  
Hispanic( )  
Nat.Amer.( )  
Asian( )  
WBE( )

**LETTER OF INTENT**

(Use by prime contractors only - submit separate form for each MBE/WBE firm to be used.)

Prime Contractor \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ Street    City    State    Zip

Telephone ( ) \_\_\_\_\_

Project/Borrower \_\_\_\_\_

Amount of Construction Contract \$ \_\_\_\_\_

Project Loan Number ORF- \_\_\_\_\_

Name of MBE/WBE Firm \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ Street    City    State    Zip

Telephone ( ) \_\_\_\_\_

Agreement Amount \$ \_\_\_\_\_

Description of work to be performed under agreement with MBE/WBE firm: \_\_\_\_\_


\_\_\_\_\_

Prime contractor intends to utilize the above named MBE/WBE firm for work and amount indicated above. A binding contract for these tasks will be signed immediately after award of the prime contract.

Signature of Prime Contractor \_\_\_\_\_      Signature of MBE/WBE Firm Official \_\_\_\_\_

\_\_\_\_\_ Date      \_\_\_\_\_ Date

ORF-373A



MBE/WBE/SBE CERTIFICATION 3/06/00

Borrower's Name \_\_\_\_\_  
 Project Loan Number \_\_\_\_\_

The attached certification by the contractor (A/E or Construction) provides assurances of in-house capabilities without utilization of MBE/WBE/SBE and will not award subcontracts for any tasks or materials for this contract.  
 - OR -

The Applicant/Recipient has followed the 6 steps, as required in section 785.50-9-38(e), and has determined that a fair share of subagreements CANNOT be awarded to small, minority, and women's businesses on this project.  
 - OR -

MBE/WBE goals have been met.

Determination has been made that the Minority/Small/Women's Business Enterprises participating in this project are qualified in conformance with:


Section 785.50-9-38(e) of the SRF Regulation and ORF-267. Attached is/are \_\_\_\_\_ solicitation document(s).

The attached (LETTERS OF INTENT) (SUBAGREEMENTS) and the following list is the Applicant/Recipient's effort to show compliance with SRF rules Section 785.50-9-54(e).

CONTRACT NO. (IF APPROPRIATE) \_\_\_\_\_  
 NAME & PROJECT NO. \_\_\_\_\_  
 CONSTRUCTION CONTRACTOR \_\_\_\_\_  
 CONSTRUCTION CONTRACT AMOUNT \_\_\_\_\_

MBE	WBE	SMB	FIRM NAME	SUBCONTRACT AMOUNT	MINORITY GROUP(S)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	\$ _____	_____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	\$ _____	_____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	\$ _____	_____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	\$ _____	_____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	\$ _____	_____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	\$ _____	_____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	\$ _____	_____
TOTAL MBE/WBE Combined Contract				\$ _____	
TOTAL SMALL BUSINESS CONTRACT				\$ _____	

\_\_\_\_\_  
 AUTHORIZED REPRESENTATIVE OF APPLICANT/RECIPIENT



ORF-333 (Oklahoma)  
(Rev. 7/11/90)

DATE: \_\_\_\_\_

SUBJECT: Concurrence of MBE/WBE/SBE Documents  
 Project Name: \_\_\_\_\_ Project Number: ORF- \_\_\_\_\_ -CW  
 Contract No.: \_\_\_\_\_ Contractor: \_\_\_\_\_  
 Construction  A/E Tasks  Other \_\_\_\_\_

Check if applicable:

1. Signed Statement that contractor (A/E or Construction) has in-house capabilities without SBE/MBE/WBE. ( ) Yes, continue to #11 ( ) No, continue to #3

2. Copies of Solicitations (including six non suppliers) mailed out or phone memo /with responses: ( ) a. MBE ( ) b. WBE

3. Project, where feasible, was divided into small tasks to maximize MBE/WBE participation.

4. Contract delivery schedules encourage MBE/WBE participation.

5. If fair share of contract not awarded to MBE/WBE, services and assistance INCLUDING SOLICITATION LISTS, must be obtained from Small Business Administration office of Minority Business Enterprises or other appropriate organization.

6. Solicitation lists provided: ( ) a. MBE ( ) b. WBE

7. Copies of letters of intent signed by both parties: ( ) a. MBE ( ) b. WBE

8. At least six subcontractors were contacted and utilized, if possible, in lieu of suppliers.

9. ORF-245 or equivalent submitted.

10. ORF-373A submitted.

11. MBE/WBE goal achieved.


Attachments: Check if applicable

<input type="checkbox"/> ORF-373A	<input type="checkbox"/> Subcontract
<input type="checkbox"/> ORF-373B	<input type="checkbox"/> Statement re: A/E or Contractors in-house
<input type="checkbox"/> Letter(s) of Intent	<input type="checkbox"/> in-house capabilities without WBE/MBE/SBE
<input type="checkbox"/> ORF-245	<input type="checkbox"/> Copy of all solicitation lists (MBE, SBE, WBE)

\_\_\_\_\_  
 Program Coordinator  
 Oklahoma Water Resources Board

Approved  Disapproved  See Attached Comments

Comments: \_\_\_\_\_



## Oklahoma Goals

<i>Category</i>	<i>MBE (%)</i>	<i>WBE (%)</i>
<b>Construction</b>	<b>10.62%</b>	<b>9.01%</b>
<b>Equipment</b>	<b>11.48%</b>	<b>13.51%</b>
<b>Services</b>	<b>16.84%</b>	<b>30.94%</b>
<b>Supplies</b>	<b>12.00%</b>	<b>31.04%</b>



## 2008 Results

- ♦ OK CWSRF requires reporting from all communities with populations >10,000
- ♦ Payment requests held until information provided
- ♦ Reported to EPA quarterly as 100% of procurement up to the Cap Grant Equivalency
  - Cap Grant Equivalency was \$8,455,560
  - In 2008 total procurement was \$21,693,126



## 2008 Results con't

FY 08 MBE/WBE for Project Procurement (based on 120% of CAP Grant)				
Minority Business Enterprise				
Category	Construction	Equipment	Services	Supplies
Goal	10.62%	11.48%	16.84%	12%
Procurement Amount	\$ 157,637.00	\$ -	\$ 79,002.00	\$ 454,169.57
% Achieved	1.86%	0	0.93%	5.37%
Women-Owned Business Enterprise				
Category	Construction	Equipment	Services	Supplies
Goal	9.01%	13.51%	30.94%	31.04%
Procurement Amount	\$2,488,460.00	\$ -	\$152,725.00	\$ 743.70
% Achieved	29.43%	0%	1.81%	0.01%



## Outcomes

- ◆ EPA documents goal achievement in PER
  - ◆ Variety of groups base decisions on results of PER
- ◆ Potential ratings implications
- ◆ Potential legal implications



## Possible Solutions

- ◆ "Acknowledgment " in PER for implementing six affirmative steps
- ◆ Tailor program for SRF - not "one-size fits all"
- ◆ Negotiate goals which are "achievable with a stretch"
- ◆ Adopt other agency's construction based goals



## Questions

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