

ODOT 2007 Disparity Study Testimony

Sept 11, 2007

History of neglect and institutional confusion

No continuity between ODOT Directors (from Bob Bothman to Matt Garrett)

Key staff turnover with few clear directives or performance criteria

No "best practices" agenda or implementation strategy

No measurable expectations of outcomes or programmatic benchmarks to achieve progress.

No public plans

Diversionsary agendas

Token Programs i.e. ESB, Supportive Services, Workforce Initiatives

Involve everyone except those most affected by the problems and issues.

High dependence and input from generic organizations like OAME

Cultivation for Internal and external adversaries;

Support and continuation of staff that can not show progress or performance

Employ individuals and groups on advisory boards and in key roles who are known adversaries to DBE programs

Not will look at historical patterns and resources;

Avoid the use and recommendation of previous Regional Disparity Study

Unwilling to interview and seek the recommendations of previous administrators and staff or chronicle the history of issues and problems.

James Posey
Local Chapter of NAMC
503-936-0277



Amber R. Ontiveros
Manager of Special Projects
Diversity and Transit Equity Dept.



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September 10, 2007

Oregon Department of Transportation
Disparity Hearings Panel

Post-Adarand requires strict scrutiny of all race-based actions by state and location jurisdictions receiving federal funds. A disparity study is the first step to develop the evidence required to narrowly-tailor their disadvantaged business enterprise (DBE) programs.

The disparity study will require the Oregon Department of Transportation to create an aspirational DBE goal on federally funded projects. From our experience at TriMet the study is the starting point for a model DBE program. Additional steps are needed such as:

- Executive Leadership needs to hold the organization responsible for reaching its goals;
- Project managers need to think innovatively to remove barriers for small businesses to compete for contracting opportunities;
- Contracts need to be broken into smaller bid packages to encourage small contracting firms to bid on available work;
- Prior to bidding, technical assistance should be made available to small businesses to help them participate on ODOT projects; and
- Work to build the capacity of small underrepresented firms in the transportation industry. An example is the NE Urban Trucking Consortium where a group of minority truckers pooled the number of trucks and administrative needs to prove over \$2.5 million worth of trucking services on the Interstate MAX light rail project.

I support ODOT's efforts and will make available TriMet staff to act as a resource to any of your future needs.

Sincerely,

Fred Hansen
General Manager



O'Neill Electric Inc

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September 11, 2007

Re: ODOT Disparity Study Hearing

To Whom It May Concern:

My name is Maurice Rahming and I am President of O'Neill Electric Inc. O'Neill Electric is a small minority owned company. We have completed projects in the commercial, residential, industrial, educational and health care construction markets. We are bonded for work up to \$2 million single project, \$6 million aggregate. We have professional liability insurance, \$2 million general liability coverage, \$1 million commercial auto coverage and a \$4 million commercial umbrella. We have been listed as one of Oregon's top ten Electrical Contractors and received the small minority business award in 2004. We have overcome the stereotype that a company our size would not be able to produce or provide quality services at competitive prices.

It seems that although we do have a proven track record, have completed projects in various areas and built ourselves a commendable reputation, we can not obtain work with the Oregon Department of Transportation (ODOT). Where as other agencies, i.e. The US Forest Service, The City of Portland Bureau of Environmental Services (BES), Army Corps of Engineers, The Veterans Administration and the Port of Portland, have some sort of outreach to obtain participation, ODOT in my experience, fails to provide this in such a manner that I haven't seen before in a government or state agency.

A few of the situations I have encountered when trying to obtain work with ODOT and their general contractors are as follows:

In my experience, ODOT and the general contractors they typically use have asked us to bid on projects that are beyond a small minority business's bonding capacity. Simply speaking, if you're a company bidding on a \$50 million dollar project, you no longer are considered a disadvantaged business.

I do not believe ODOT exposes the available opportunities of smaller projects, nor do the General Contractors they hire.

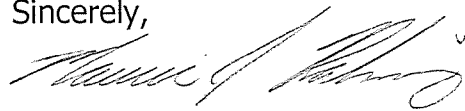
electrical
contractor;
commercial
residential
industrial

As an electrical contractor, we have been asked by ODOT and their general contractors to include other divisions of work, such as excavation, which in turn makes our bid higher than other competitors and therefore excludes us from getting the bid.

Because of so many negative experiences in trying to obtain work with ODOT and their general contractors, we at O'Neill Electric have stopped trying to work with, or apply for work with them. Unfortunately, we feel that the Oregon Department of Transportation has made it very clear they do not want to work with us.

I believe that these experiences show that there is a clear disparity in the way that the Oregon Department of Transportation offers opportunities to contractors.

Sincerely,

A handwritten signature in black ink, appearing to read "Maurice J. Rahming". The signature is fluid and cursive, with a prominent loop at the end.

Maurice J. Rahming
President

*NOSAC CONSTRUCTION INC.
P O BOX 11434
PORTLAND, OREGON 97211
PHONE 503 380-2780 FAX 503 249-5096*

Sept. 11, 2007

Good Evening:

My name is James Cason, I am a member of NAMCO's Executive Board and for a long time in Portland Metropolitan area I ran a Plumbing business called JEC Mechanical. I worked for the City of Portland, the Water Bureau, the Port of Portland, the Army Corp of Engineers and many other public and private entities. I was thought by many to be one of the top (5) largest African American Contractors in the area. I ended up closing that business for many reasons and have restarted a smaller firm called NOSAC Construction. I take all of those experiences that I had over the years and I mentor firms thru NAMCO in Plumbing and numerous other constructions areas.

My business has had very limited invitations to bid ODOT work by General Contractors.

I would today like to share one particular experience that for me exemplifies what is currently happening.

On or about 1998 JEC INC was involved with bidding an ODOT project in Lebanon Train Depot Upgrade,

On Two different occasions we bid this job and we were listed as one of their Major Subs on forms that were turned in a few hours after bid opening.

The General had no intention of using my company after finding this out I called the ODOT contracting officer to notify him that I would be filing a protest, He made several phone calls and made a decision not to Award .

A week or so later It went out for bid again with-out any change in scope ,JEC went through this same process again from both the General Contractor and ODOT with no chance of getting a real opportunity to participate.

With this kind of experience and many others It's very hard to find nice words for "ODOT" They need a very serious wake up call to remind them that everybody that doesn't look like them also needs an opportunity to participate.

I put my thoughts on paper and I pray that change is on the way.

Thank You for Taking The Time To Listen To My Story I'm Grateful that Help Is On The Way

**James Cason
Director
NOSAC Construction**

September 11, 2007

ODOT Disparity Study Public Hearing September 11, 2007

My name is Faye Burch and I am the Principal Consultant for my own consulting firm FM Burch and Associates, Inc.

I am the former Governors Advocate for Minority and Women Business during the Roberts Administration for two years and for an additional two years I had hiring oversight and supervisory oversight for that position. During that time period the Governors Advocate also managed the OMWESB Certification process.

I am here today to discuss a very important topic. The Oregon Department of Transportation's failure to provide opportunity to African Americans in particular and other minority businesses.

On the professional services side which is where my business would provide services I participated in the OTIA Prequalification process and supplied them with information that took my business a full day and a half to complete. My areas were Inspection Services and Public Involvement.

Many of us felt that though we had not had much success with ODOT that OTIA would present us with a better opportunity for entry into the world of contracting with ODOT after all these were state dollars (surely they must know that some of them are our dollars from our licensing fees) and the Legislature had placed a specific budget note regarding inclusion and opportunity.

I attended the departments and OTIA C3 extremely ill conceived training programs, with trainers that offered no real solid information that would assist you to gain access an opportunity to work with ODOT or OTIA. Many suggested they had just been called hours before to do the training and had nothing prepared.

That added up to more time wasted. In March of 2006 we all received a group email even those of us yet to get our opportunity that said OTIA opportunities are coming to a close and by the way even though you have spent days in

required training, pre qualifying recruiting and preparing to do the Inspection Services the OTIA Partners are planning to do all of that work.

I responded back replying to all (accidentally) instead of just to OTIA partners and all of the professional services consultants began responding for days on end about their very negative experiences and several of them even told us if we did not receive work we were the lucky ones. Because my testimony does not give me time to read them all I have provided a copy to the consultant team. I have given this constructive feedback on DBE experiences to ODOT and even taken the time to make a list of recommendation that they could work to improve opportunities.

We have been meeting with Senator Wyden's office and Congressman DeFazio's, State Senator Johnson and others about these same issues and this year is the year we want to see ODOT make considerable change.

We think that ODOT is being irresponsible with the state budget they have been entrusted, they find it more useful to spend money on Legislators Pet Projects, Community Advocates with loud voices and nice suits but no apparent solutions to the problems.

They have focused millions of dollars on workforce issues that already have plenty of competent and very useful programs and partners that are highly respected by the industry to provide training. ODOT's primary accomplishment was competing with them for available resources.

In a room of over 500 AGC members and large contractors one person raised their hand to say they might use the program after it had been in "operation for over 2 years". Another person said about 15 years ago she was involved in the training of construction workers to meet the huge boon or need coming up and she trained women and none of them got hired and they are all working in other fields. ODOT has many problems that need fixing; other entities are working on the workforce issue with great success.

ODOT continues to have miniscule representation of African Americans in their subcontracting utilization since the last disparity study showing them with 0% on Federal Construction and 0% on State funded projects.

ODOT has poured millions of dollars into Support Services for years with no visible results because internally they continue to do business the same old way. Nothing has changed.

The dollars are still not providing our communities with the Economic Stimulus that I believe our Legislature and this Governor committed to provide.

I want to also say that I have worked on numerous large public works projects Light Rail and Street Car Projects. The Interstate Max, The I 205, The Washington County Commuter Rail Project and the downtown Portland Mall Light Rail as a DBE consultant.

Much of the work is much like ODOT's on these projects Latino Contractors are building bridges, laying track, survey staking and providing millions of dollars worth of steel supply, and highway road landscaping, African American are driving dump trucks and providing millions of dollars worth of services, paving, double shifts of civil engineering crews, concrete flatwork, masonry, electrical traffic signals, duct bank work on all of the projects much of their work is inspected by ODOT but they have yet to have the opportunity to provide these same services to ODOT. TriMet has offered these Best Practices to ODOT directly from TriMet General Manager Fred Hansen and ODOT has yet to take action.

Access to ODOT

Larger contractors largely AGC have direct access to the director on a regular monthly basis they review and approve specifications and documents and even formed a joint committee to recommend disbanding the DBE program. They operate much like "its all in the family.

NAMCO has very little access a month and a half ago I sent a note to the Civil Rights dept. to see if NAMCO was eligible for mentorship funds authorized by the Legislature now you would think that they would want us to strengthen our members thru our mentorship programs, NAMCO the very firms they are not using.

But no.. they didn't respond. Why would they not respond " read the previous disparity study and you will find the quotes repeated "ODOT is Punitive" if you criticize them they will find ways to be punitive in their actions. So because we won't sit back and be satisfied with a big fat 0%, ODOT is going to show us how difficult and punitive they can be.

I have provided the committee with correspondence from the directors office that show's NAMCO's apparent lack of access. The Director has also refused to allow us as an organization who has had hands on experience to be at the table with his advisory committee. Now how difficult would that be to just open the door and let us assist him and have a seat on the committee.

As DBE Firms we are expected to communicate with ORPIN which creates hurdles, and not opportunities. As a public agency they cannot ignore the technical digital divide that exists and expect everyone to be able to manipulate the ORPIN system.

The Procurement staff at ODOT has a \$75,000 discretionary limit where they make calls everyday or quotes, they can call friends, they can call relatives, they can call former ODOT employees or any contractor they choose.

They do not make any calls to African American contractors and I am really curious to understand why.

I brought with me today the participation sheets from three Light Rail projects that I am working on for TriMet (BTW) they also are subjected to the 9th circuit court decision and have an Aspirational Target– what's the difference? – They are serious about success. They want people to succeed on their projects.

The formats are different but I have highlighted some areas that list the participation

Please refuse to allow this agency to continue these practices and do not give them any authorization to continue these biased practices but instead provide you with a plan that effectively works for all Oregonians.

Thank you for the opportunity to testify here today and I would be happy to answer any questions.



BLACK **UNITED** FUND
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September 11, 2007

**RE: LETTER OF SUPPORT FOR THE NATIONAL ASSOCIATION OF
MINORITY CONTRACTORS OF OREGON (NAMCO)**

The mission of The Black United Fund of Oregon is to assist in the social and economic development of Oregon's low-income communities and to contribute to a broader understanding of ethnically and culturally diverse groups.

The Black United Fund of Oregon has actively operated open to the public since 1986. Our headquarters is located at 2828 N.E. Alberta Street maintains a local community presence and continues to provide grant making and other services to non-profits in the State of Oregon (counties of Multnomah, Clackamas, Washington, Marion and Lane counties) and SW Washington.

Programs and services provided by The Black United Fund are designed to address the root causes of community problems, ensure the development and retention of agencies that respond to community needs and build-sufficiency among residents in low-income communities throughout the state of Oregon.

In 2006, the Black United Fund of Oregon provided a grant to the National Association of Minority Contractors of Oregon (NAMCO) to help them advocate for economic equality for minority contractors. We are in support of NAMCO's work and efforts to ensure that minority contractors are given and extended equal opportunities for economic development projects. Please contact me should you have any questions.

Sincerely,

Adrienne Livingston
Executive Director

Micro Enterprise Neighborhood Program (MEND) is a program of Black United Fund of Oregon. We support small low income businesses in N-NE Portland with technical assistance, marketing, loans & grants with the goal of increasing revenues, net income, and assets. 85% of our clients are minority owned businesses ranging from restaurants, screen printers, graphic designers, web designers and print shop.

In the two plus years of having provided technical services we find that small businesses struggle to find time to market themselves. Some of our clients have been certified with minority programs but have not had an opportunity to provide services. As sole proprietors they struggle to find time to knock on doors, funds to hire personnel and the experience to find contracts.

Organizations looking for minority contractors should make an aggressive effort to reach out to these small businesses as even smaller contracts help them to survive and to take them to the next level in business success thus strengthening the community. For eg. catering for meetings, printing, designing are services overlooked by organizations that can be provided by minority businesses.

MEND could provide you with a list of the businesses and their services to facilitate this effort.



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation

Office of the Director

355 Capitol St. NE

Rm 135

Salem, Oregon 97301-3871

February 7, 2007

Faye M. Burch
F.M. Burch & Associates, Inc.
2009 NE Edgewater Dr.
Portland, Oregon 97211

James Posey
Construction Metro Inc.
PO Box 3561
Portland, OR 97208

FILE CODE:

Dear James and Faye,

I would like to thank you for the opportunity to be a part of your January 9, 2007 monthly membership meeting. One of my goals is to position ODOT in a place where we are working with the African-American and other minority communities to strengthen efforts toward providing equal opportunities for contractors.

The fact that I can speak candidly and openly with you and your organization helps to bring issues and challenges more readily out into the open. The ongoing willingness to work together in a constructive manner is our strength, and it is with openness and candor that I respond to your letter of January 25, 2007.

Let me begin by stating that I am personally and professionally taking these issues seriously. I have committed ODOT to paving the way for cooperative efforts with you and the small business community to identify sustainable solutions and opportunities.

With respect to your list of "critical objectives" identified in your letter, I'd like to take this opportunity to respond in like manner. However, I must add that I thought your list was going to be "barrier" or "issue" specific. The point that was made during your meeting was that NAMC-Oregon had specific knowledge of barriers and solutions that are preventing African-American and minority small businesses from achieving opportunities on ODOT contracts. While I will respond to each of your points, I still fail to see specific issues listed, as you had indicated. My responses are as follows:

1. ***Secure a seat for our NAMC-Oregon Chair, to sit on your advisory committee to help you ensure that key barriers are identified and to assist with the goal and objectives defined to eliminate those barriers.***

At this point in time, it is not necessary to secure an additional seat. Currently, Ed Wilson of Ampere Electric is on our committee and it our understanding that he is a member of NAMC-Oregon, and is also affiliated with OAME.

- 2. Scrutinize projects, particularly in the urban sectors, for special emphasis contracting to build the capacity of our firms and help us to establish relationships with larger prime contractors and consider RFP processes as opposed to only low bid.***

It is through the Small Business Initiative and our Small Contracting Program that we are expecting to achieve this goal. Among the issues that have surfaced, capacity and relationships with prime contractors was readily identified. Through venues such as the Governor's Marketplace which will be held on February 21, 2007, we are facilitating dialogues with small business and primes to discuss capacity and performance expectations from a prime contractor's perspective. It is my hope that NAMC-Oregon will be strongly represented at this important event. We are also seeking innovative contracting processes, including RFP, to assist small businesses in forming stronger and successful business relationships with primes. It is our expectation that training needs will be identified, and the associated solutions will be implemented.

- 3. Contract directly with African American businesses that can provide specialized construction services such as flagging and trucking.***

As we have discussed, state procurement rules and policies prevent direct contracting to any business based solely on ethnicity. Again, the solution here is to build strong relationship with prime contractors who have been awarded contracts through the normal contracting procedures.

- 4. Place African Americans on call up lists for informal bid opportunities for ODOT work and begin calls immediately. This action should be monitored by your office and be part of a quarterly progress report to NAMC-Oregon.***

The call lists for emergencies were established in 2003. There was a general solicitation, via press release, with an offer for any contractor to sign up. The list is open continuously, and any contractor can be added simply by sending contact information to:

Rose Gentry
Emergency Response Manager
Oregon Department of Transportation
800 Airport Road
Salem, OR 97301

In the past year, those lists have been used infrequently as most of ODOT's emergency work was contracted through some sort of formal solicitation process. The exception was the hiring of tree fallers for clean up after the wind storm in December 2006. The larger emergency work included a solicitation open to anyone that expressed an interest. At least one minority owned contractor submitted a bid on the OR 35 work (Cherokee General Construction), although they were not the low bidder.

Again, the list is open to any contractor that would like to be on it. Internally, ODOT will make clear the need to consider diverse contractors that are on the list, and will monitor their use. Because of the infrequency the lists are used, there may be no action for some time.

5. ***ODOT Civil Rights Director should establish a presence and dialogue with the African American construction community, by meeting with NAMC-Oregon Executive Committee and/or membership meetings on not less than a quarterly basis.***

I have every confidence that the Office of Civil Rights Manager will manage this process in an effective manner. He is committed to the African-American and other minority construction communities and is diligently working toward establishing sound working relationships and processes with those involved. He and his office are always open to calls and communication.

6. ***Sponsor and participate in NAMC-Oregon activities to build the base of African American businesses.***

We are always willing to participate in NAMC-Oregon activities as appropriate for a state agency. We are in agreement with NAMC-Oregon in that there needs to be more opportunities for small businesses, and we are willing to work with you to achieve that end.

7. ***Provide resources to help NAMC-Oregon provide rapid response to bid listings and prepare follow-up surveys identifying barriers to the bidding process on a project by project basis.***

This also falls under the Small Business Initiative. As barriers are identified, we will be soliciting all possible resources to provide root causes and the necessary solutions.

8. ***Participate with other similar projects that have a goal for direct economic impact to African American Construction businesses.***
 - ***African American participation on ODOT projects should increase by at least 2% within next six months and 5% by the end of 2007.***

Until the Disparity Study is completed, we are using aspirational targets based on the availability of certified firms. If the Study concludes that there is discrimination, then we will be permitted to return to hard goals. In the interim, it behooves us all to seek ways to close the gap between prime contractors and small businesses, and to implement methods to establish more viable businesses.

9. ***Take leadership and work with other state and federal organizations and host a series of inter-agency meetings to discuss how regional programs can work together to close the gap in African American participation on up coming regional projects.***

As our Workforce Development and Small Business Initiative programs mature, we will be constantly reflecting on outcomes, and establishing relationships with others as required. We have stated from the very beginning that in order to stimulate the Oregon economy, many organizations needed to come to the table. With this still in mind, we are taking steps to build a baseline foundation, and then we will further build upon this foundation to establish a solid support system. We see NAMC-Oregon and others as being an integral part of this process.

Our goals are indeed similar. I intend to continue moving forward to find innovative ways to create more opportunities for small businesses. We are considering potential opportunities on projects that might lend themselves to creative contracting opportunities, but I require one thing from you, to continue to work with me to seek positive and constructive resolutions to the issues before us. The African-American and other minority communities need to maintain their certifications, and work toward becoming viable and competitive businesses that will be attractive to prime contractors performing ODOT work. In the interim, I will continue to organizationally position ODOT to meet the future demands of the construction industry.

Finally, I would be remiss if I didn't call this question. During the meeting, among other things, you mentioned that were blatant activities within ODOT that precluded African-American business from business opportunities. What are the specifics of these types of actions? In order to remedy issues within ODOT, I need to have specifics.

Again, thank you for allowing me to share my thoughts with you and your members; I want you to know I truly appreciated the robust conversation.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Garrett', with a long horizontal flourish extending to the right.

Matthew L. Garrett
Director

Cc: NAMC-Oregon



NATIONAL ASSOCIATION OF
MINORITY CONTRACTORS

Portland, Oregon

Executive
Committee

President
James Posey
*Workhorse
Construction*

Vice President
Faye Burch
*FM Burch &
Associates Inc.*

Secretary
Noni Causey
*City of Roses
Disposal and
Recycling Service*

Treasurer
Stacey Edwards
Consultant

Officers
James Cason
*NOSAC
Construction*

Alvin Hall
*Rock and Road
Construction*

Mark Matthews
*PacificMark
Construction*

January 24, 2007

Matt Garrett – Director
Oregon Department of Transportation - ODOT
355 Capitol St., NE
Salem, OR 97310-3871

Re: NAMC-Oregon Meeting January 9, 2007

Dear Matt,

On behalf of NAMC-Oregon, we would like to thank you for presenting at our January 9, 2007 monthly membership meeting. As you know the objective of NAMC-Oregon is to work with organizations, like yours, to support their efforts to provide equal opportunities for African-Americans and Minority contractors.

Your candor and interest in working with NAMC-Oregon is appreciated and timely, especially when 23 of our members noted alarmingly during your presentation that they have not received any ODOT work an informal call for work or any DAS or state government work. I think it is fair to say that at this time we need ODOT to ***“Walk the Talk”***.

We ask that you give us your personal commitment, Matt, along with securing that of your agency to meet the list of critical objectives listed below. We take these issues seriously, and believe that the list identified by our members and in our conversations with you will help us to bring parity and equitable opportunities to our community

NAMC-Oregon list of critical objectives and criteria for ODOT:

1. Secure a seat for our NAMC-Oregon Chair, to sit on your advisory committee to help you ensure that key barriers are identified and to assist with the goal and objectives defined to eliminate those barriers.
2. Scrutinize projects, particularly in the urban sectors, for special emphasis contracting to build the capacity of our firms and help us to establish relationships with larger prime contractors and consider RFP processes as opposed to only low bid.
3. Contract directly with African American businesses that can provide specialized construction services such as flagging and trucking.
4. Place African Americans on call up lists for informal bid opportunities for ODOT work and begin calls immediately. This action should be monitored by your office and be part of a quarterly progress report to NAMC-Oregon.

5. ODOT Civil Rights Director should establish a presence and dialogue with the African American construction community, by meeting with NAMC-Oregon Executive Committee and/or membership meetings on not less than a quarterly basis.
6. Sponsor and participate in NAMC-Oregon activities to build the base of African American businesses.
7. Provide resources to help NAMC-Oregon provide rapid response to bid listings and prepare follow-up surveys identifying barriers to the bidding process on a project by project basis.
8. Participate with other similar projects that have a goal for direct economic impact to African American Construction businesses.
 - African American participation on ODOT projects should increase by at least 2% within next six months and 5% by the end of 2007.
9. Take leadership and work with other state and federal organizations and host a series of inter-agency meetings to discuss how regional programs can work together to close the gap in African American participation on up coming regional projects.

Our goal is to rectify these issues, without the legal ramifications. There are several large jobs that ODOT will be offering for bids, we want to see African American contractors working on these projects. We will do our part to be prepared but need you to do yours.

We plan to work with the Transportation Commission, the Governor and the state legislature if we do not see immediate results. All have expressed interest and concern related to the lack of participation of African American contractors.

Please contact us at your earliest convenience to let us know how you plan to proceed and how we can best assist you moving forward.

Thank You,

James Posey, Chair
503 936-0277

Faye Burch, Vice Chair
503 936-6898

Cc: Executive committee
Membership

Executive Committee
President
James Posey

Vice President
Faye Burch

Secretary
Noni Causey

Treasurer
Stacey Drake Edwards

Officers
James Cason
Alvin Hall
Mark Matthews

Founding Members
Faye Burch
FM Burch & Associates, Inc.
James Cason
NOSAC Plumbing Contractor
Charles Cason
CEC Inspection & Security Services
Alonzo Simpson/Noni Causey
City of Roses Drop Box Services
James Faison
Faison Construction
Alvin Hall
Rock & Road Trucking
Alonzo Jenkins
City of Roses
Mark Matthews
PacificMark Construction
Cosmas Nwrem
Bestrade Services
James Posey
Workhorse Construction
Kidane Tekle
Champion Sweeping & Striping Service

January 5, 2007

Matt Garret, Director
ODOT

Portland, Oregon 97204

RE: NAMC-Oregon

Dear Mr. Garrett (Matt)

We are proud to announce that NAMC-Oregon, headquartered in Portland, is one of the fastest growing minority based trade associations in the Northwest. NAMC-Oregon has re-established itself with an overwhelming membership that brings vigor and enthusiasm from the community of local and state wide African-American and minority contractors and national organizations.

Unfortunately, due to the statistics that show that the African-American community is not awarded contracts at an alarming low percentage rate, NAMC-Oregon's membership has established its primary focus, for 2006 & 2007, to address the disparity of African-Americans in obtaining contracts and employment as general and sub-contractors on public construction jobs.

NAMC-Oregon invites the Oregon Department of Transportation (ODOT) to join our organization to bring equitability to the community of African-Americans and minority general and sub-contractors by becoming a founding sponsor at \$25,000.

ODOT, as a founding sponsor, has the opportunity to meet with the organization to identify issues, opportunities and engage in dialogue that supports African-Americans and minorities in bidding and working successfully on public projects.

Your sponsorship as an organization which understands and believes the importance and necessity in establishing partnerships with African American and minority businesses, also provides you with the following:

1. ODOT will be recognized as a prominent organization on a local and national level at all events and activities; listed and acknowledged on affiliated websites, newsletters and letterhead.



NATIONAL ASSOCIATION OF
MINORITY CONTRACTORS

Portland, Oregon

Contact Information

Membership Information

Faye Burch
503.936.6898

Or

Stacey Drake Edwards
503.984.6025

EMAIL Address

namcoportland@yahoo.com

National Website

NAMCLINE.org

2. ODOT will be positioned as an organization for future recognition on the Wall of Fame as voted by membership.
3. ODOT will have the opportunity to address specific items, projects or other issues on our agenda, at our monthly meetings.
4. ODOT has the opportunity to meet with members of the executive committee on a quarterly basis to address any issues or opportunities.
5. ODOT will have access to NAMC-O's local and nationally recognized Lessons Learned in minority contracting to facilitate construction projects and related support systems.

ODOT, our membership is enthusiastic, active and confident in its goals and growth potential. Join us with your early sponsorship - we look forward to having you as a sponsor.

If you have any questions please contact Faye Burch, Vice President and Founding Member at 503.936.6898.

Sincerely,

NAMC-Oregon
Faye Burch
Membership/Sponsorship Development

Cc: Executive Committee



April 3, 2006

Correspondence No. 6253

NOTICE TO ALL SPECIALTY CONSULTANTS

Subject: Remaining A&E Opportunities on ODOT's OTIA III State Bridge Delivery Program

Reference: WOC 3, ATA 23856

The Oregon Department of Transportation's OTIA III State Bridge Delivery Program is entering its third year under the program management of Oregon Bridge Delivery Partners, JV (OBDP). In April 2004, ODOT contracted with OBDP to manage the remaining construction on the bridge program. This work involved selecting A&E Prime Consultants for subsequent program stages using the design-bid-build delivery method. Of the 37 bundles, 15 were in Stage 2, 11 were in Stage 3, 9 were in Stage 4, and 2 were in Stage 5.

The A&E prime selection process is nearly complete for Stages 2 and 3. (The exception is Bundle 220, I-5: Willamette River Bridge, which is completing an Environmental Assessment before work begins). This represents a significant step forward in meeting the delivery goals of the program.

ODOT recently reassessed the delivery methods for the remaining bundles in Stages 4 and 5. Six design-bid-build bundles were reassigned to ODOT regions, and two remote bundles were assigned to OBDP for design-build delivery. OBDP will manage the procurement and construction engineering and inspection for the remaining design-build bundles. Because one Stage 3 bundle was recently split into two, OBDP has subcontracted or will subcontract a total of 29 design-bid-build bundles to pre-qualified A&E Prime Consultants: 15 in Stage 2, 12 in Stage 3, 2 in Stage 4, and zero in Stage 5.

Opportunities for A&E subcontracting through OBDP are, therefore, coming to a close. Stage 2 and Stage 3 bundles have been assigned. OBDP recently selected A & E Prime Consultants for design-bid-build Bundles 408 and 409. RFPs for the five Stage 4 and Stage 5 design-build bundles are expected to be scheduled in 2007 and 2008.

The remaining opportunities for work will be specialty contracts for geotechnical, environmental and survey services, engaged on an as-needed basis. Additional opportunities will continue through ODOT's design-build program. Find more information on ODOT's design-build website: http://egov.oregon.gov/ODOT/HWY/OPD/DB_Home.shtml. Opportunities also will be available through the region-managed bridge program bundles. Visit ODOT's contracting website for more information: <http://www.oregon.gov/ODOT/contracting.shtml>

We encourage all specialty contractors to continue to engage the selected A&E Prime Consultants for bundles not currently under contract for Stages 2 and 3. A list of A&E Prime Consultants is posted on OBDP's website:
http://www.obdp.org/site/view_pdf/?pdf=/files/partner/procurement/Prime.pdf.

1165 Union Street NE Ste 200 Salem OR 97301 Tel 503.587.2900 Fax 503.587.2929

We appreciate the A&E firms that participated in the bridge program and hope it has been a rewarding experience. We also hope that this experience will prove beneficial in the future as ODOT continues to partner with the private sector.

If you have any questions, please contact Michael Hatchell, Program Director, or Mark Swatta, Deputy Director for Design, at (503) 587-2900.

Sincerely,

Oregon Bridge Delivery Partners, JV

James E. Reynolds, Jr.
Procurement Manager

JER/jam

cc: Linda Riley, Lynn Iaquinta, Doug Kirkpatrick, Jim Beers, Michael Hatchell, Mark Swatta, Jason Neil, Lissa Willis, Thomas Lauer, Joseph Messman

I agree. This has done nothing to encourage growth or promote local improvements to small "Oregon" firms. We were the only Landscape Architect Specialty Consultant outside of the Portland Metro area selected to be on the Specialty Consultant list and all we ever saw were requests to attend training sessions and seminars. This was a joke...

LKGilbert

On 4/5/06 9:50 AM, "FMBurchPR@aol.com" <FMBurchPR@aol.com> wrote:

For most of us this has been a complete waste of time. Please remove me from your email list.

Faye Burch

Hi Faye,

I don't think we've met. I'm John Gordon, a consulting wetland biologist.

I won't be able to make it to the meeting at OAME, but do want to share my story. I am a sole proprietor, no employees, and an ESB. I started my company 2 yrs ago. Part of why I did it was that I hoped to use transportation opportunities to build a small, high-quality, high-value environmental consulting firm. I had contacts in the prime engineering firms, based on previous wetland projects that I teamed with them on. I did successful wetland projects on approximately 20 bridge replacements prior to starting my firm.

I have not been able to obtain a single job on a transportation project despite a successful track record, good relationships with regulatory agencies, and very competitive prices.

I was on a team with one prime for one bundle in eastern Oregon. But the prime realized early on that they couldn't make a profit on the bundle due to OBDP requirements of budget and schedule, and pulled the plug. The alternate prime declined to include me on their team. I believe (not sure) the bundle ultimately was split, part to region, and not sure where the rest of it went. I had a well-trained, well-qualified person working with me part-time. If I had obtained that work, I could have created a full-time, family wage job for a partly-employed Oregon professional. That opportunity was lost.

Two major problems, in my opinion; but I don't know any resolution of the first one, but have a suggestion for the second.

1. In my opinion, the bundles were too large for small firms to successfully compete. Prime engineers doubtless had concerns about my ability to meet schedule requirements. Ironically, winning a bundle would have assured that I could have met schedule; I could have doubled my firms capacity (by hiring) if I had one bundle, and could easily have met schedule demands.
2. I am still distressed about the time and money I spent on training. I am CS3 certified, and also certified to write/review Biological Assessments (BA) for ODOT. Training for the CS3 cost me one day of productivity plus the cost of the class (\$50.00) The BA training and certification was \$500.00 plus one day of lost productivity. For a sole proprietor, of course, a day in training takes my productivity for that day to zero. Small firms got hammered by this system. Neither the Corps of Engineers nor Oregon Department of State Lands, agencies that regulate wetlands in Oregon, have ever charged for training sessions, nor for any certification. It is beyond me how ODOT was able to do this. Its wrong. OBDP staff was being paid by contract to provide training; how can they also charge for the training? I think all firms that paid for any of this training should be reimbursed.

John Gordon

From: FMBurchPR@aol.com [mailto:FMBurchPR@aol.com]

Sent: Monday, April 10, 2006 7:37 AM

To: jimhanks@jrhweb.com; dougs@kga.cc

Cc: cmgslarry@qwest.net; Jim.Reynolds@obdp.org; salbright@ashcreekassociates.com; malcantar@alcantarassoc.com; darryla@andersonengineering.com; fangelo@angeloeaton.com; acengineers@qwest.net; cavila@avilaassociates.com; dbarrett@hbinc.com; sbehoodi@squier-kleinfelder.com; Ufsleslie@aol.com; sonny_bettelyoun@pbsenv.com; bbierwagen@parametrix.com; joelb@perteet.com; tblackwood@geoengineers.com; mrb@boardmanstudio.com; bbolima@bolima.com; shannon@d-hflagging.com; joshb@environmentalwest.com; rob.bushman@irdinc.com; mbutorac@kittelson.com; russcarlin@forensica.com; bcarson@masonbruce.com; victor@isi-pdx.com; wchandler@gpinet.com; jim@geosolveinc.com; mc.mca@comcast.net; lcohen@zetlin.com; ccoleman@interfluve.com; carlottacollette@comcast.net; fredc@coopercm.com; bkc@dkspdx.com; alex@jlainvolve.com; mikedana@quik.com; jndempsey@centurywest.com; vdeodhar@3dinfusion.com; tdridder@earthlink.net;

dhillon@teleport.com; kdoherty@dohertyeng.com; GDrakeAssoc@aol.com;
 anthony.dunams@curriebrown.com; eme@lanpacific.com; mikef@greenworkspc.com;
 xfalconi@falconiconsulting.com; stevef@valicooper.com; david@rowa-inc.com; mforbes@ndtg.net;
 herbf@cascadedesign.net; sfricke@whiteshield.com; budfurber@psipdx.com; karen@alseageo.com;
 dd.garner@comcast.net; ngi.pdx@verizon.net; studiogood@comcast.net; jegordon@teleport.com;
 soapboxent@comcast.net; tomg@westconsultants.com; george@sbgmaps.com; garyh@hahnenv.com;
 dhardin@gri.com; mhargrave@westlakeconsultants.com; gdh@obec.com; cathy@pinnellbusch.com;
 bhazell@3diwest.com; allanh@bridgemastersinc.com; cherrera@herrerainc.com; thosaka@landauinc.com;
 dan@hhpr.com; thoyles@geoengineers.com; dhuckabay@mgeeng.com; laura@corvid-consulting.com;
 djenkins@murase.com; bill@nrpsi.com; jperrydd@uswest.net; lisa.kelly@llkellyinc.com;
 kkernan@feitesting.com; bklostermann@boartlongyear.com; gregk@kurahashi.com; santosh@xltech.com;
 klsolutions@comcast.net; davidl@lei-ce.com; dwl@msa-ep.com; robert.lennox@bluedotgrp.com;
 ran@dleng.net; lhlewis_epc@msn.com; ghardyli@comcast.net; hanbin_liang@wreco.com;
 blousignont@cpsagency.com; LFLINC@aol.com; troy@zbinden.com; jkm@foundationengr.com;
 monica@theparcelplace.com; amare@pacrimgeo.com; habibm@pacificwr.com; ymcclain@cmtsnw.com;
 richelle.mcguire@us.bureauveritas.com; tmcguire@adolfson.com; thomas.mergy@us.bureauveritas.com;
 d.mills@verizon.net; mminor@drnoise.com; monson@ldcdesign.com; martha@tw-enviro.com;
 snebeker@andersonperry.com; ben@nevuengan.com; margaret@na-company.com; jeano@esapdx.com;
 videotransfercenter@comcast.net; jeffo@quincyeng.com; s.oman@comcast.net;
 duckfoot@lifetime.oregonstate.edu; jpage@entrix.com; tlpmap@comcast.net; jpalo@kta.com;
 jill@civiltech.com; lpwright@fhiplan.com; glp@shanwil.com; kpierce@jdwhite.com; hpokigo@hardesty-
 hanover.com; apotts@asts.com; joshua.proudfoot@goodcompany.com; equevedo@cornforthconsultants.com;
 jo@ainw.com; jon.reimann@wrgdesign.com; jreinertson@jonesandjones.com; freyes@reyeseng.com;
 rhoads@airborne1.com; sroberts@coganowens.com; greg.rollins@amec.com; krubino@kjmassoc.com;
 robuedy@a-teaminc.com; mattr@pacweste.com; suesander@amec.com; Aedschott@aol.com;
 lsharp@tteci.com; ashirole@arorapc.com; mail@insitutechinc.com; msmyth@whpacific.com; nsuan@cwo.com;
 kthomas@thomaswright.com; marv.thorne@wgint.com; thursassoc@comcast.net; HeritageRe@aol.com;
 randall@abht-structural.com; st@cames.com; jtucker@geodesigninc.com; leslie@tugmangroup.com;
 scott@cruxsub.com; kay.vansickel@otak.com; kvigil@vigil-agrimis.com; allan.walley@hatchmott.com;
 robin.warren@agegc.com; dave@wellmansurveying.com; pwhitney@jsanet.com;
 services@caddadvantage.com; tom@turnstoneenvironmental.com; jwilson@enviroissues.com;
 syaghmaie@harris-assoc.com; nichola@zmassociates.com; mzilis@walkermacy.com; Linda.Riley@obdp.org;
 Lynn.Iaquinta@obdp.org; Douglas.Kirkpatrick@obdp.org; Jim.Beers@obdp.org; Michael.Hatchell@obdp.org;
 mswatta@hdrinc.com; Jason.Neil@obdp.org; Lissa.Willis@odot.state.or.us; Thomas.J.LAUER@odot.state.or.us;
 Joseph.MESSMAN@odot.state.or.us

Subject: Re: Notice To All Specialty Consultants

The Special meeting for DMWESB Firms and Small Business Firms seeking solutions to the ODOT/OTIA work distribution has been rescheduled to Friday April 21, 2006 at 9:30 AM at OAME 4134 N Vancouver Ave Portland 97217.

Several people had conflicts with the holiday weekend and wanted to attend.

Hope that you can all make it for a productive discussion!

Faye Burch

✓ If you didn't get any work, you may be one of the lucky ones. We negotiated for over 6 months to meet completely insignificant and impossible requirements. We then began working in September and haven't received a single cent in payment as of yet. If the State's intention was to drive small Oregon firms out of business, they couldn't have done a better job.

Jim Hanks

Doug Sarkkinen wrote:

- >
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- >

EMAIL responding to ODOT/OTIA Project Issues

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- 1) I agree. This has done nothing to encourage growth or promote local improvements to small "Oregon" firms. We were the only Landscape Architect Specialty Consultant outside of the Portland Metro area selected to be on the Specialty Consultant list and all we ever saw were requests to attend training sessions and seminars. This was a joke...
- 2) There seems to be some consensus of opinion that the so called specialty work opportunities on bridge bundles has been a terrible waste of resources for Oregon's small businesses. I think there should be a compilation of these concerns passed on to the Director and to the Transportation Commission. I, for one, will speak to two of them that I know quite well.
- 3) If you are going to speak to one of them then I will be interested in been part of the discussion. I am assuming that there will be other people that would like to do the same. I am thinking that most of us feel FM Burch as the most appropriate/qualified lead to do this. Any one else agrees?
- 4) Representative Carolyn Tomei was wondering whether she should share these emails with ODOT staff. What do you think? Are there concerns about their vulnerability? I know that in the past ODOT has been pretty vindictive when contractors crossed them. At one point I know several consultants were warned that they would not be considered for future ODOT work if they disagreed with staff. Luckily, most of those people are no longer at ODOT, but a few remain.
- 5) I don't know Faye, but I think she's right on point on meeting with ODOT/OTIA and using this as an opportunity to build better relationships for the future. Carolyn stands ready to support us in any way she can when we are interested in that support.
- 6) Indeed. This email needs to be share. However, they need to be presented in a format that is productive and helps small firms for future work. My strong advise is that Fay Burch and a group of people meet with ODOT to better understand the problem and have an understanding from ODOT of their true commitment to small firms.
- 7) Does anyone know how many and which firms did get work? I don't want us to appear to be just sour grapes. I looked on OBDP's web site but couldn't find anything that showed who is getting the work.

I have forwarded some of the emails to Representative Carolyn Tomei who is serving on the interim transportation committee. She is a good friend and my mentor, so she has heard some of this from me anyway. She suggested I speak with Joan Plank at ODOT. I don't want to go forward until and unless we have some numbers of how much work went to specialty firms, WBE, MBE and DBE firms (I'm both a WBE and DBE and still got nothing), and other smaller businesses.

Do any of you have any figures?

8) As aboard member of ACEC, I have been concerned about the lack of work for small firms. I have had not much luck with ODOT or OBDP (we have not got any work either). You are right very little if any work went to small firms. All of the Work is going to the same 6 or 7 Large firms

I can use all of the comments. So if any one has any please forward. I can discuss with the ACEC Board.

9) Way to go Faye! You are a jewel.

10) After all of this, we are going to work on one Bundle for about a \$50,000 task. The profit on that won't cover our marketing costs, either.

11) By the way, Faye, thanks for taking this bull by the horns.

One other comment. I think Andre Baugh has done a good job. But. I think the efforts to work with DMWESB firms has been directed almost 100% toward construction/labor, and has not been useful at all for professional services firms. None of the effort will benefit me unless ODOT initiates ESB requirements in the A&E phases of projects

12) Thank you for taking this challenge on. I didn't comment on your first email since I guess I've been in business too long in Oregon and never expected to get any work out of ODOT.

13) I would like to come to the meeting at OAME but that happens to be Good Friday and if Delta doesn't go on strike, I'm going back east to visit family. If others have similar commitments and you decide to change the meeting date, please let me know since I do have the following Friday (the 21st) open.

14) To balance the emails I've seen so far, I'd be interested in hearing from any specialty consultants that felt the process was workable or working. (For my part, I haven't had any experience with or contact regarding project work in the OBDP program.)

15) I agree. This has done nothing to encourage growth or promote local improvements to small "Oregon" firms. We were the only Landscape Architect Specialty Consultant outside of the Portland Metro area selected to be on the Specialty Consultant list and all we ever saw were requests to attend training sessions and seminars. This was a joke...

16) Pretty slim pickings, if any, for most of the specialty sub consultants, with a fair amount of time invested in the training. But, like anything else, there is no guarantee.

17) Go Faye!

18) Its more than DMWESB's who are disappointed, dismayed, etc. I have yet to hear from anyone that thinks the operation worked well or met its

objectives. That being said, small firms were especially mistreated. The proportion of time spent on non-productive activities was greater, the proportion of firms getting work was smaller, and the complete lack of understanding on the accounting issues for sole proprietor's, llc's and other small business entities was appalling.

19) Hello Everyone; I have received a large number of calls and emails that express the disappointment that DMWESB firms are experiencing. I have been urged to discuss these concerns with ODOT on your behalf and to then meet with any of you who are interested as a group to consider solutions.

I of course as you all do have my own business to run but as a strong advocate for all DMWESB's I feel this is important. I also want to be clear that I have the greatest respect for Andre Baugh and his commitment and I know that he has done as much as he can within the current ODOT/OTIA structure. This problem has gone on long before OTIA began working in Oregon - It's institutionalized and it's time for change.

My goal is to meet with ODOT/OTIA next week and following that meeting to have an open and constructive dialogue with any of you who chose to do so in a productive way Friday April 14th 2006 at 9:30-11:00 at the Oregon Association of Minority Entrepreneurs 4134 N Vancouver. The discussion is "How can we turn this into a more successful opportunity for local DMWESB firms".

I appreciate your confidence in me and I'll do my best !

20) Please don't think that you speak for the entire community. I have a different take on the whole process and have spoken with several friends who are on the specialty list and they agree with me.

In my mind, all of this disgruntlement shows a misunderstanding of the whole program. The seemingly interchangeable use of OTIA, OBDP and ODOT in the various emails helps prove this to me. The bulk of the money and work is for the construction industry, not A&E. If folks looked at the original project budgeting for OTIA III, they would have realized this. Much of the environmental, PR, PI, et cetera was done through Parametrix's work in 2002-04, prior to the selection of OBDP as program manager. People want to blame OBDP because they are the "out of town hired guns," but half of OBDP is local HDR employees!

At the very beginning, the OBDP people, primarily those from the Fluor side, were saying that it was up to the small firms to market themselves to the primes; that work was not just going to fall out of the sky, and that most of the work was going to be straight civil/structural design work. That's what some of those "training" sessions were about...how to market and get "in" with primes. Anyone who believed this was going to be a windfall for small biz didn't do their homework.

Now, put yourself in the shoes of a prime firm...are you going to take a risk on a new partnership, or go with the firms you've always worked with? Especially when the ODOT-mandated contract terms are onerous and there are bonus points etc. for performance. No...you're going to go with what/who you know.

The problem lies not with OTIA III Program, but with the overall consulting industry, wherein large firms are set who they partner with, and how they achieve their M/W/DBE credits.

I went into the whole OTIA III thing with the understanding that it was likely a no-win program, so I am not disappointed. Did I hustle myself to primes? Not really, because I realized the payoff was going to be small. I knew most of the core environmental work was done, and that there were stronger relationships between primes and other env. firms. Why did I submit to get on the approved list? Because it was "the thing to do."

In my book, no harm, no foul.

21) I am sure that the issues I have are common to most small firms. I was able to obtain one project with Exeltech as the prime. There was supposed to be another but it seems to have disappeared into thin air with no notice to me.

22) What you stated in your first email about this not being a new issue is very true. I have been on teams with ODOT Flex Services contracts for about 11 years concurrently. This is with about four different primes. Last summer I was able to work on my first project. That is eleven years of putting together RFP information, calculating overhead costs, updating information, signing contracts. All on someone else's schedule. It did not matter what my work load was it was always last minute. Eleven years of paper, 'busy' work before getting a contract that had real work and reimbursement. I began to think the primes just wanted my DBE/WBE status to obtain the contracts but not to pass off any work.

Then there is this whole idea of how billings are done, audited (a cost that you may never recoup) overhead rates, etc. I usually bill based on Crew rates or type of work being performed. My survey party chief may also do CAD work. I bill his time based upon which he is doing not by his hourly rate with overhead and profit factors.

The training sessions provided may have been interesting. However, I wish they had offered training in Microstation CAD (ODOT's required program, limited availability, not ODOT specific and expensive) or other ODOT specific criteria that would have helped a small firm gain the expertise to be competitive, better able to provide the product ODOT and the primes expect, etc.

As you can see, the obstacles I face are just like the ones faced by you.

Thank you,

23) Same experience here. I was a specialty sub doing public involvement on the team when Parametrix did the first round of bridge work, but since the Bridge Partners took over, there's been nothing but meetings and training notices. I gave up on this process long ago.

24) :-)

25) I will be out of town and will not be able to attend the meeting on April 14th at OAME but I am definitely interested in participating in the resolution of this issue. Thank you.

26) I don't think we've met. I'm -----, a consulting wetland biologist.

I won't be able to make it to the meeting at OAME, but do want to share my story. I am a sole proprietor, no employees, and an ESB. I started my company 2 yrs ago. Part of why I did it was that I hoped to use transportation opportunities to build a small, high-quality, high-value environmental consulting firm. I had contacts in the prime engineering firms, based on previous wetland projects that I teamed with them on. I did successful wetland projects on approximately 20 bridge replacements prior to starting my firm.

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28) Thank you for your assertiveness on this issue, and I am in absolutely full agreement on how crappy this entire process has been for small businesses in Oregon. I will be attending the April 21 meeting; please let me know if there is anything in particular that I can do to help prepare for, or contribute to, that meeting

29) Pretty slim pickings, if any, for most of the specialty subconsultants, with a fair amount of time invested in the training. But, like anything else, there is no guarantee. Doug

30) amen

31) I will unfortunately be out of town. I hope perhaps you will let us know how it went? It is so necessary and so overdue. Thank you for leading the charge

32) Thank you so much for taking the lead on this issue. Jim and I are also small business owners and know how busy you must be

33) My name is -----and I am co-owner, along with ----- . We are an OBDP pre-qualified specialty consultant in the category of CADD/GIS (Geographic Information Systems), and are also a woman-owned business with ESB certification. I am sending this message in response to recent concerns expressed about the OBDP's lack of commitment to its Diversity Program mission and objectives. We would like to briefly share our experience and suggestions.

After completing the specialty consultant process, we were under no illusion that any work would be forthcoming to us. However, what happened soon after our specialty consultant qualification was surprising.

Specifically, HDR Engineering Inc. - selected by ODOT to lead the OBDP - recruited and hired one of our key staff to perform GIS services for the OTIA III bridge program. This recruitment was undertaken with full knowledge that our firm was pre-qualified to perform work for which the employee was recruited. We were, and remain, unclear as to why HDR staffed for sub consultant work in light of the OTIA III Diversity Report which states that "OBDP has committed to sub consulting 100 percent of the design work that it manages as part of the program" (OBDP Diversity Strategies).

What is clear is that, rather than receiving benefit from the OBDP and the OTIA III program, we have instead been seriously harmed by it.

Without a serious commitment to the Diversity Program mission and objectives, specialty sub consultants - such as us - will become a source of skilled employees for the OBDP and the prime consultants; thus further damaging Oregon's Disadvantaged, Minority, Woman, and Emerging Small Businesses.

With our admittedly limited perspective, we are left with the impression that the lion's share of consultant work has gone to the "big boys". We have had similar experience with ODOT in other consultant selection processes.

As to what should be done - The OBDP and ODOT were given specific goals and directions by the State Legislature in the creation of the OTIA. One major goal was (to paraphrase) create an economic "trickle down" through Oregon's economy; hence the Diversity Strategy. Consequently, the Legislature is ethically, morally, and perhaps legally, bound to evaluate ODOT's performance in achieving the Act's goals and objectives. Our efforts should therefore be directed to the Legislature to perform an objective performance evaluation, not limited to ODOT's contracting performance under the OTIA.

Further, we suggest that the media be informed of this situation to assure that the Legislature performs its duty.

Please feel free to share this with anyone you deem necessary.

33. I will unfortunately be out of town. I hope perhaps you will let us know how it went? It is so necessary and so overdue. Thank you for leading the charge

I am sure that the issues I have are common to most small firms. I was able to obtain one project with Exeltech as the prime. There was supposed to be another but it seems to have disappeared into thin air with no notice to me.

What you stated in your first email about this not being a new issue is very true. I have been on teams with ODOT Flex Services contracts for about 11 years concurrently. This is with about four different primes. Last summer I was able to work on my first project. That is eleven years of putting together RFP information, calculating overhead costs, updating information, signing contracts. All on someone else's schedule. It did not matter what my work load was it was always last minute. Eleven years of paper, 'busy' work before getting a contract that had real work and reimbursement. I began to think the primes just wanted my DBE/WBE status to obtain the contracts but not to pass off any work.

Then there is this whole idea of how billings are done, audited (a cost that you may never recoup) overhead rates, etc. I usually bill based on Crew rates or type of work being performed. My survey party chief may also do CAD work. I bill his time based upon which he is doing not by his hourly rate with overhead and profit factors.

The training sessions provided may have been interesting. However, I wish they had offered training in Microstation CAD (ODOT's required program, limited availability, not ODOT specific and expensive) or other ODOT specific criteria that would have helped a small firm gain the expertise to be competitive, better able to provide the product ODOT and the primes expect, etc.

As you can see, the obstacles I face are just like the ones faced by you.

--

34. Thank you, Faye, for the time and effort you put into this.

35. Thanks for forwarding my email to Andre. I need to touch base with him on some other local projects so I'll be in touch with him in the next couple days and will reiterate to him my concerns about the OTIA-III Program to date. I really can't begin to express my dissatisfaction with my absence from the meeting a week ago, but my customers must remain my highest priority. I do hope ODOT~OTIA didn't get the wrong impression about the sincerity of our concerns. To date the whole OTIA-III effort has been a flop from a MWESB perspective. I've seen better involvement from a general contractor perspective under their "good faith effort" activities on much smaller projects over the years. I'm not quite convinced that the OBDP management is sincere enough to walk their talk. So far, they haven't from my perspective.

Best to you and I definitely look forward to you and I crossing paths in the near future. I get to OAME only occasionally with my current project demands, but it would be nice to sit down with you and converse about our local biz... and of course the coffee is on me! What is your contact information so I can get a hold of you sometime? Thanks again for your efforts.

36. Faye: Good job!

37. Several firms have contacted me regarding the results of the April 21, 2006 meeting held at OAME with ODOT/OTIA Representatives.

The meeting went well ODOT/OTIA were very responsive with the things we requested based on your emails and messages. I think that they are very clear that many of us looked at the OTIA work as a window of opportunity to do work with ODOT.

They provided us with an update of projects and contracts awarded. They also listened to recommendations from the group based on things we thought would make the program more effective. Unfortunately the number of DMWESB firms that showed up was limited but those who did were very vocal.

Attached you will find the recommendations that I put together based on your phone calls and emails.

This is the final document that I agreed to provide to you. Your future issues about OTIA should be addressed with Andre Baugh who is the project Diversity Coordinator and Michael Cobb Director of ODOT Civil Rights.

I wish you all the best and great success in your businesses.

Recommendations for ODOT/OTIA Meeting Based on the emails and phone calls received

Use DMWESB and local small business firms who put forth the effort to complete the prequalification process and training programs before utilizing newer firms entering the process after established deadlines.

Contract Compliance: Put formidable contract compliance reviews in place immediately and use a consultant to review the DMWESB process of recruitment and the utilization of DMWESB firms commitment compared to actual utilization. Include Flexible Services contracts.

Inspection Services: Provide a reasonable percentage of the OTIA reserved Inspection Services to a variety of DMWESB's and at least one local small business firm. Mentor and assist the DMWESB firms with identifying key people, specially designed training needs and other competitive needs to meet ODOT requirements to remedy OTIA recommended practice of providing all of the Inspection Services.

Public Involvement: Review the existing Public Involvement opportunities and use a percentage of that work for training other Public Involvement firms to bring DMWESB Public Involvement firms up to speed on ODOT projects. Issue the remaining Public Involvement work including those not yet started to these DMWESB firms other than those already receiving ODOT /OTIA work.

DMWESB Objectives: Hold your existing consultants and service providers accountable for achieving your stated goals.

Provide Training on Profitable Options: Make a commitment to train DMWESB firms on billing rates and using competitive markup rates and other areas that they are inexperienced.

Prompt Payment: Identify issues associated with Prompt Payment to Subs, mirror the City of Portland and TriMet's Prompt Payment plans with no more than a 30 day turn around period.

Provide Assistance in forming Partnerships and Alliances: To establish better working relationships with AGC & ACEC and other professional affiliated associations.

The logo for fmburch & Associates, Inc. features the name 'fmburch' in a stylized, lowercase, handwritten-style font. The 'f' and 'm' are connected, and the 'b' is also connected to the 'u'. The letters are white and set against a dark, curved background that resembles a stylized 'C' or a swoosh.

& ASSOCIATES, INC.

2009 NE Edgewater Dr.
Portland, OR 97211
Phone: 503.735.9455
Fax: 503.735.9409
email: fmburchpr@aol.com

April 23, 2007

Chair Johnson and Members of the Committee:

My name is Faye Burch and I am the Principal Consultant for my own consulting firm FM Burch and Associates, Inc.

I am the former Governors Advocate for Minority and Women Business during the Roberts Administration for two years and for an additional two years I had hiring oversight and supervisory oversight for that position. During that time period the Governors Advocate also managed the OMWESB Certification process. I have also recently been selected the SBA Minority Business Champion of the year by SBA for 2007.

I wear my badge for advocacy of minority business as a badge of honor. I am here today to discuss a very important topic. The Oregon Department of Transportation's absolute failure to provide opportunity to African American and other minority businesses.

On the professional services side which is where my business would provide services I participated in the OTIA Prequalification process and supplied them with information that took my business a full day and a half to complete. My areas were Inspection Services and Public Involvement.

Many of us felt that though we had not had much success with ODOT that OTIA would present us with a better opportunity for entry into the world of contracting with ODOT after all these were state dollars and the Legislature had placed a specific budget note regarding inclusion and opportunity.

I attended the departments and OTIA C3 extremely ill conceived training programs, with trainers that offered no real solid information that would assist you to gain access and opportunity to work with ODOT or OTIA. Many suggested they had just been called hours before to do the training and had nothing prepared.

That added up to more time wasted. In March of 2006 we all received a group email even those of us yet to get our opportunity that said OTIA opportunities are coming to a close and by the way even though you have spent days in required training, pre qualifying recruiting and preparing to do the Inspection Services the OTIA Partners are planning to do all of that work.

I responded back replying to all (accidentally) instead of just to OTIA partners and all of the professional services consultants began responding for days on end about their very negative experiences and several of them even told us if we did not receive work we were the lucky ones. Because my testimony does not give me time to read them all I will leave you with copies to peruse. I have given this constructive feedback on DBE experiences and even taken the time to make a list of recommendation that they could work on.

We have been meeting with Senator Wyden's office and Congressman DeFazio's office and this year is the year we want to see ODOT make considerable change.

We did have a meeting with ODOT Civil Rights and several of the OTIA Partners and their solution was to move on a lottery type opportunity that would allow (1) Professional Services Consultant to be awarded a contract – the catch was you had to start all over again and do another prequalification process. This lottery is not a solution but a game and the game has been played for far too long and we are counting on you to end it today.

Moving on to the Construction arena.

ODOT is being irresponsible with the budget and finding it more useful to spend money on Legislators Pet Projects, Community Advocates with loud voices and nice suits but no apparent solutions to the problems.

They have wasted millions of dollars selling you a program I Match and billing it as a new solution to construction employment. If we are all paying close attention you already paid for that program in the Employment Department when I worked here in the 90's and it was already set up to do exactly what it is doing right now millions of ODOT dollars later.

There are many effective workforce programs already in place that provide training and placement ODOT only accomplishment was competing with them for available resources and I am here to tell you it's a miserable failure with one exception the Native American recruitment program done not by OTIA but by an independent consultant and I think they succeeded in getting many Native Americans into the construction workforce training programs.

In a room of over 500 AGC members and large contractors one person raised their hand to say they might use the program after it had been in "operation for over 2 years". Another person said about 15 years ago I was involved in the training of construction workers to meet the huge boon or need coming up and I trained women and none of them got hired and they are all working in other fields. ODOT has many problems that need fixing; other entities are working on the workforce issue with great success.

ODOT continues to have miniscule representation of African Americans in their utilization numbers since the last disparity study showing them with 0% on Federal Construction and 0% on State funded projects. As a matter of fact if you deleted the Consultants out of the current projects as it should be shown you will see it is a regular and deceitful practice of the agency. It is evidence that a disparity existed 10 years ago in that study and it still exists in this arena. They have poured millions of dollars into Support Services with no accountability for results.

These dollars are not providing our communities with the Economic Stimulus that I believe this Legislature and this Governor committed to provide.

It's time for ODOT to change to clean house starting with a disinterested and disinvested staff who are a part of the problem. I hope that this committee will require that ODOT change today provide opportunities for all of the citizens of this state before approving and passing this budget.

Lastly, I want to say that I have worked on numerous large public works projects Light Rail and Street Car Projects. The Portland StreetCar, The Interstate Max, The I 205, The Washington County Commuter Rail Project and the downtown Portland Mall Light Rail as a DBE consultant.

Much of the work is much like ODOT's on these projects Latino Contractors are building bridges, laying track, survey staking and providing millions of dollars worth of steel supply, and highway road landscaping, African American are driving and providing millions of dollars worth of trucking services, paving, double shifts of civil engineering crews, concrete flatwork, masonry, electrical traffic signals, duct bank work on all of the projects I named and they have yet to have the opportunity to provide these services to ODOT. Their work is inspected frequently because it is public works and it is stellar and there are no problems we have offered these to ODOT as Best Practices directly from TriMet General Manager Fred Hansen and ODOT has yet to take action. ODOT creates hurdles, and not opportunities. As a public agency they cannot ignore the technical digital divide that exists and expect everyone to be able to manipulate the ORPIN system. It's a barrier that larger contractors don't have to use because they have direct access to ODOT and its director.

Mr. Posey and myself as representatives of NAMCO – the Oregon affiliate of the National Association of Minority Contractors met with the Director and invited him to a NAMCO meeting where 25 AA Contractors told him they had never received bid invitations on ODOT work or DAS which is running a close race with ODOT for the weakest link position which of course we are not here to discuss. We followed up with a letter and I will leave you with both copies our letter to him and his response. He has refused to allow an organization who has had hands on experience be at the table with his advisory committee. Now how difficult would that be to just open the door and let us assist him and have a seat on the committee. His denial showed that he has no intent on working with us to remove these barriers. Which leads us frankly to believe he may not be the best person to tackle this problem?

The Procurement staff at ODOT has a \$75,000 discretionary limit where they make calls everyday, they can call friends, they can call relatives, they can call former ODOT employees or any contractor they choose. ✓

They do not make any calls to African American contractors and I am really curious to understand why.

Please refuse to allow this agency to continue these practices and do not give them a budget until they can give you a plan that effectively works for all Oregonians.

Thank you for the opportunity to testify here today and I would be happy to answer any questions.

fm burch

& ASSOCIATES, INC.

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Fax: 503.735.9409
email: fmburchpr@aol.com

December 5, 2005

To the Office of Secretary of State
Administrative Rules Division
800 Summer Street
Salem, Oregon 97310

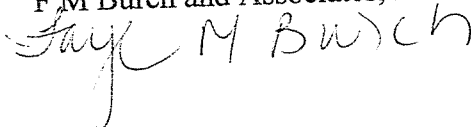
Raleigh Lewis, Manager Office of Minority Women and Emerging Small Business
and the Oregon Department of Transportation Civil Right Division.

This is notification that I and (9) certified Minority and Women Business owners and
community representatives request a public hearing on the ESB Rule Summary. This
request is respectfully submitted on the day that we received information and notification.

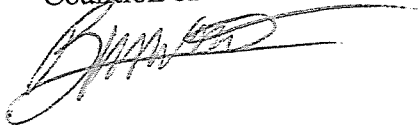
A fully signed document will follow this email correspondence. Please notify us of the
scheduled time and location of the hearing.

Sincerely,

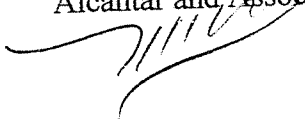
Faye Burch
FM Burch and Associates, Inc



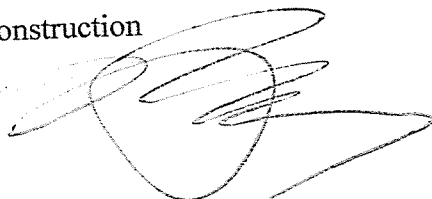
Bruce Watts
Coalition of Black Men



Marcela Alcantar
Alcantar and Associates, Inc .



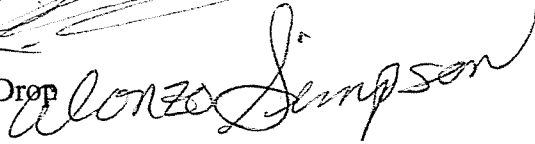
James Posey
Workhorse Construction



Ed Wilson
Ampere Electric

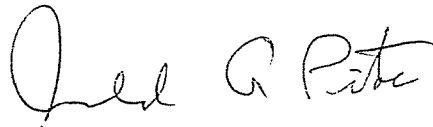


Al Simpson
City of Roses Drop

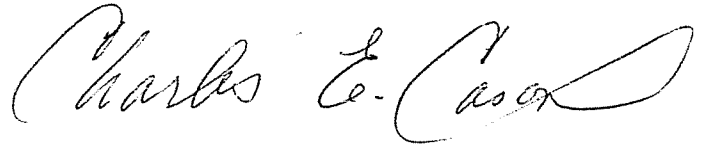


Bill Suell
Billy Suel Painting - FB
Billy Suell

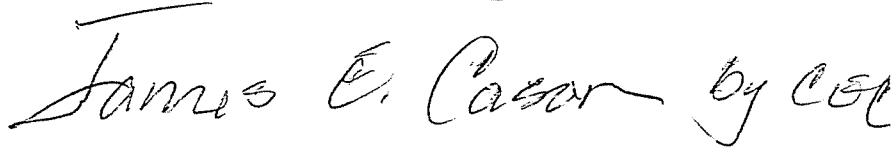
Arnold Pitre
Pitre Contracting



Charles Cason
CEC Inspection and Security Services

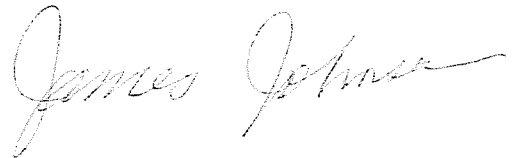


James Cason
JEC Services



You may contact me at 503 735-9455 or by email.

Arthur Jay Conata INC



Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*

A Statement of Need and Fiscal Impact accompanies this form.

Department of Consumer and Business Services-Office of Minority Women and Emerging Small Business		445
Agency and Division		Administrative Rules Chapter Number
Sheila Haywood		503-947-7950 – Office
(Sheila.l.haywood@state.or.us)	350 Winter Street NE, Salem OR 97309-0405	503-373-7041 - Fax
Rules Coordinator	Address	Telephone

RULE CAPTION

The Emerging Small Business eligibility requirements are modified to create a two-tier designation system.
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

February 17, 2006	10:00 AM	350 Winter Street NE, Labor & Industries Building, Conference Room F	Sheila Haywood
Hearing Date	Time	Location	Hearings Officer

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

ADOPT:

AMEND:

445-050-0115, 445-050-0125 and 445-050-0135

REPEAL:

RENUMBER:

AMEND & RENUMBER:

ORS 200.500

Stat. Auth.

Other Authority

2005 Oregon Laws Chapter 683

Stats. Implemented

RULE SUMMARY

These rule changes implement the following changes made by 2005 Oregon Laws Chapter 683:
Creates a two-tier system for certification of emerging small businesses and modifies the qualifications by increasing the employee and gross-receipts thresholds. "Tier one firm" means a business that employs fewer than 20 full-time equivalent employees and has average annual gross receipts for the last three years that do not exceed \$1.5 million for a business performing construction, as defined in ORS 446.310, or \$600,000 for a business not performing construction. "Tier two firm" means a business that employs fewer than 30 full-time equivalent employees and has average annual gross receipts for the last three years that do not exceed \$3 million for a business performing construction, as defined in ORS 446.310, or \$1 million for a business not performing construction.

Increases the limit on certification from seven to twelve years, six years at each tier. Allows reinstatement of a formerly certified business if the business still qualifies as an emerging small business and has eligibility remaining.

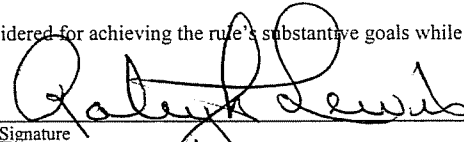
Transfers the Emerging Small Business Account from the Consumer and Business Services Fund to the State Highway Fund.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

February 17, 2006

Last Day for Public Comment

Last day to submit written comments to the Rules Coordinator

	
Signature	
Raleigh Lewis	1/13/06
Printed name	Date

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday.

ARC 920-2005

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Consumer and Business Services, Office of Minority, Women and Emerging Small Business 445

Agency and Division

Administrative Rules Chapter Number

In the Matter of:

Amending OAR Chapter 445-050-0115 to 445-050-0135, relating to creating new provisions for ESB program.

Rule Caption: The Emerging Small Business eligibility requirements are modified to create a two-tier designation system.
(Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

Statutory Authority: ORS

ORS 200.005 to 200.075, 200.150 to 200.200 and 279.059

Other Authority:

Stats. Implemented: ORS

2005 Oregon Laws Chapter 683 (Senate Bill (SB) 173)

Need for the Rule(s):

The purpose of this rule is to modify the Emerging Small Business (ESB) program eligibility requirements for certification as allowed by 2005 Oregon Laws Chapter 683 (SB 173.)

Documents Relied Upon, and where they are available:

The following documents were relied upon to amend this rule: Oregon Laws Chapter 683 (SB173), available on the internet at http://www.leg.state.or.us/bills_laws/; and the Portland-Salem Consumer Price Index for All Urban Consumers for All Items, available on the internet at <http://www.bls.gov> or contact the Department of Consumer and Business Services at omwesb.web@state.or.us.

Fiscal and Economic Impact, including Statement of Cost of Compliance:

There is no negative fiscal impact on small businesses. There are approximately 2,000 firms certified by the State of Oregon. Creating a two tier designation for the ESB program, extending certification from seven to twelve years (6 years in each tier), and allowing reinstatement of formerly certified businesses that have eligibility remaining under new requirements will increase the size of companies that have access to the program and lengthen their ability to participate. This will increase revenue for some businesses as well as provide a small reduction in administrative costs; however, with available data we are unable to project the exact dollar impact.

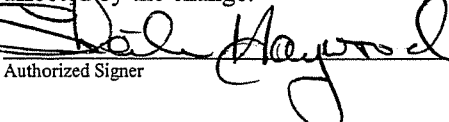
The change in certification will cause a small increase in workload for the Office of Minority, Women and Emerging Small Business. Changes to the database will be required to accommodate the change. The programming hours for changing the ESB database are estimated to be 100 hours at \$60 per hour totaling \$6,000. An additional \$1,500 for form development and form printing costs equals \$7,500. The OMWESB will absorb this workload and programming cost with existing resources.

Restoration of the Emerging Small Business Account to the Highway Fund will alleviate the need for interagency transfers, since ODOT currently administers the fund. This will have a negligible impact on both the Department of Consumer and Business Services and the Department of Transportation.

How were small businesses involved in the development of this rule?

Administrative Rule Advisory Committee consulted?: Yes

An Emerging Small Business advisory committee convened to establish these proposed amendments. The advisory committee included a member of the public that owns a small business. Committee members provided input regarding the intent of Senate Bill 173 and concluded that the Office and Minority, Women and Emerging Small Business would be the only agency significantly affected by the change.


Authorized Signer

Sheila Haywood 1/13/06
Printed name Date

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Consumer and Business Services, Office of Minority, Women and Emerging Small Business 445
Agency and Division Administrative Rules Chapter Number

In the Matter of:
Amending OAR Chapter 445-050-0115 to 445-050-0135, relating to creating new provisions for ESB program.

RULE CAPTION

The Emerging Small Business eligibility requirements are modified to create a two-tier designation system.

Statutory Authority:
ORS 200.005 to 200.075, 200.150 to 200.200 and 279.059

Statutes Implemented:
2005 Oregon Laws Chapter 683 (Senate Bill (SB) 173)

Need for Rule

The purpose of this rule is to modify the Emerging Small Business (ESB) program eligibility requirements for certification as allowed by 2005 Oregon Laws Chapter 683 (SB 173.)

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ESB Advisory Committee

Administrative Rule Advisory Committee consulted?: Yes

An Emerging Small Business advisory committee convened to establish these proposed amendments. The advisory committee included a member of the public that owns a small business. Committee members provided input regarding the intent of Senate Bill 173 and concluded that the Office and Minority, Women and Emerging Small Business would be the only agency significantly affected by the change.

Signer and Date

Printed name

Recommendations ODOT/OTIA Projects -F M Burch and Associates, Inc 4/14/06

Put formidable contract compliance reviews in place immediately and hire a consultant to review the DMWESB process of recruitment and utilization of DMWESB firms commitment compared to actual utilization. Keith Crawford is recommended.

Identify if Primes achieved the goals that OTIA set. Interview subconsultants and subcontractors. If Commitment was not met ask for a detailed explanation of why.

Contact all subconsultant and contractors with 50% work remaining and request an increased commitment of 10% DMWESB of total contract dollars and commitment to utilize at least 1 local small business service provider both from the list you provide that will help ODOT/OTIA achieve the DMWESB objectives and local small business objectives.

Keep a list of those who will not assist you in achieving this goal for future reference.

Provide 25% of the OTIA reserved Inspection Services to a variety of DMWESB's and at least one local small business firm. Mentor and assist the DMWESB firms with identifying key people, specially designed training needs and other competitive needs to meet ODOT requirements to remedy OTIA recommended practice of providing all of the Inspection Services.

Cut 10% of the existing Public Involvement work authorized to one firm and use that 10% for training purposes to bring DMWESB Public Involvement firms up to speed on ODOT projects.

Issue the remaining Public Involvement work including those not yet started to DMWESB firms other than those already receiving ODOT /OTIA work or affiliated with the same subconsultant firm.

Use DMWESB Consultant firms for DMWESB planning purposes to fulfill the obligation and commitment to DMWESB firms.

Refund money to firms that spent dollars for CS3 training it's viewed as double charging.

Refund a percentage of money to firms who invested in Inspection Services training. Agreement not to use any individuals that were sponsored by DMWESB firms for OTIA portion of work.

Provide a list of DBE firms receiving work and the value of that work- as a matter of public record for the April 21, 2006 meeting.

Make a commitment to train DMWESB firms on billing rates and using competitive markup rates.

Make a commitment to reassign ODOT personnel not committed to achieving desired objectives for DMWESB.

Share plan for better inclusion with DMWESB Firms and Primes at the meeting on 4/21 and by other methods of announcement.



Department of Consumer & Business Services
Office of Minority, Women & Emerging Small Business

350 Winter St. NE
Salem, Oregon 97301-3878
Phone: (503) 947-7976, Fax: (503) 373-7041
http://www.cbs.state.or.us/omwesb/

RECEIVED
APR 15 2003
OMWESB

Application for Certification
Emerging Small Business

For office use only
Certification no.: 3485

1. Name of firm: TRI-STAR ELECTRIC, INC.
Corporation name (if applicable): _____
Business address: 11765 SW ANN ST
City: TIGARD County: WASH State: OR ZIP: 97223-3134
Mailing address (if different): P.O. BOX 231175
City: TIGARD State: OR ZIP: 97281-1175
Phone: (503) 860-3838 Fax: (503) 590-2302
E-mail or Web site: debbjm@yahoo.com / tri-starelectric.com (under construction)
Owner's full name: DEBBIE METZLER Title: PRESIDENT

2. Legal structure: Sole Proprietorship Partnership Limited Liability Co. (LLC) Corp.
Date you acquired ownership: 9/30/02 Date incorporated (if applicable): 9/30/02

3. Use the enclosed Department of Transportation commodity codes list to identify your firm's capabilities. In the table below, list the applicable code number and code description. Under "firm capability" describe the products or services your firm offers.

Code no.	Code description	Firm capability
Example 1-01-52	Painting/wallpapering	Commercial interior only
1-01-16	Electrical	Commercial, Residential, Industrial Maintenance
1-03-34	Highway/Road Const Electrical	

Identify your primary line of work, using the enclosed North American Industry Classification System (NAICS) code list: Code: 2353 Description: Electrical Contractors



RECEIVED
 2005 5
 DBE/WBE

4. Is your firm currently DBE/MBE/WBE certified with the State of Oregon? Yes No
 If previously certified, what name was used for the firm? _____

5. Gross receipts for the business:

Submit the past three years' federal tax return(s) for the business or those filed since the business has been in operation, if that is less than three years.

State the ending date of firm's fiscal year: (month) 12 (year) 03

If your business has been in operation for less than one year, please provide the total gross receipts from start of business to date of this application:

Total gross receipts: \$ 2,879., from: (month) 2 (year) 03 to: (month) 3 (year) 03

6. Ownership. List all individuals who have an ownership interest in this business. (If not a U.S. citizen, proof of legal residence must be submitted.)

Name	Race or ethnic origin*	Gender*	Years of ownership	Ownership/voting percent	Hours worked weekly	U.S. resident or citizen
DEBBIE METZLER	C	<input checked="" type="checkbox"/> F <input type="checkbox"/> M	6 MO	70	40	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
RICH METZLER		<input type="checkbox"/> F <input checked="" type="checkbox"/> M	6 MO	30		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> F <input type="checkbox"/> M				<input type="checkbox"/> Yes <input type="checkbox"/> No

*Optional. This information is for statistical purposes only and will not affect your certification. Examples of ethnicity: Black American, Hispanic American, Native American, Asian-Pacific American, Subcontinent-Asian American, and Caucasian.

7. Is your firm a subsidiary or parent company belonging to a group of firms that are owned and controlled by the same individuals? Yes No

If "Yes" explain: _____

8. If license or permit is required to provide product or service, list below and include a copy. (e.g., city business license, contractor's license, engineer/architect license, etc.)

Name of qualifying individual	Type of license/permit	License/permit no.	Expires
DEBBIE METZLER	CCB	153559	11/26/04
RICHARD METZLER	OREGON SIGNING SUPERVISOR	38325	
	WASH SIGNING SUPERVISOR	METZLR09840F	2/01/04

9. Has your business been bonded? Yes No

If "Yes", list your most recent bonding limit: \$ 15,000.00

Please read the following affidavit carefully and sign it in the presence of a certified notary public:

Affidavit

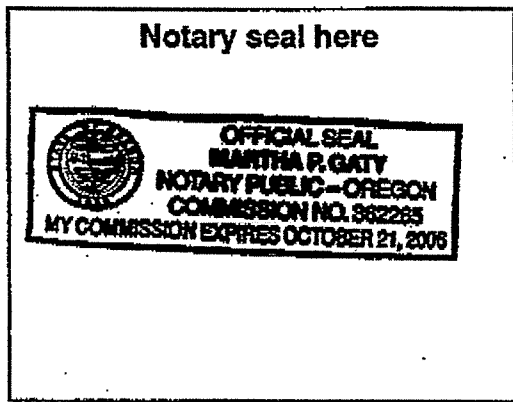
I do solemnly declare and affirm, under penalty of perjury as defined in ORS 162.065, that the contents of the foregoing documents are true and correct and include all information necessary to identify and explain the operation of TRI-STAR ELECTRIC, INC. (name of firm), as well as the ownership thereof. The undersigned, in addition, swears that this business is a bona fide Emerging Small Business, pursuant to ORS 200.005 (3-5), and Administrative Rules of the Office of Minority, Women and Emerging Small Business.

Signature of owner/applicant: Debbie Metzler

Name (please print): DEBBIE METZLER

Title: PRESIDENT Date: _____

On this 1st day of APRIL, 2003 before me appeared DEBBIE METZLER, who being duly sworn did execute the foregoing affidavit, and did state that she/he was properly authorized by TRI-STAR (name of firm) to execute the affidavit and did so as her/his free act and deed.



County of: WASHINGTON

State of: OREGON

Notary public: Martha P. Gaty
MARTHA P. GATY

Commission expires: OCT 21, 2006

10. List major customers or projects of the business for the past two years (list most recent first). If new business, list previous business references:

Customer/contract	Phone	Contact person	Type of project	Contract amount	Year
BOB POWERS CONST		BOB POWERS	RESIDENTIAL		03
PIZZA CABOOSE		STEVE POWERS	COMMERCIAL		03

11. List the total number of work hours for ALL permanent, temporary, and part-time employees for the last fiscal year. Do not include the hours worked by the owner(s) of the company.

Total hours worked by temporary employees: _____

Total hours worked by part-time employees: _____

Total hours worked by permanent employees: _____

TOTAL: 0

12. Note: Questions 12 and 13 are optional. This information is for statistical purposes only and will not affect your certification:

Specify the ethnicity and gender of your employees and provide a total within each category.

Ethnicity	No. of males	No. of females
Caucasian	<u>2</u>	<u>1</u>
Black American	_____	_____
Hispanic American	_____	_____
Native American	_____	_____
Asian-Pacific American	_____	_____
Subcontinent-Asian American	_____	_____
Other:	_____	_____

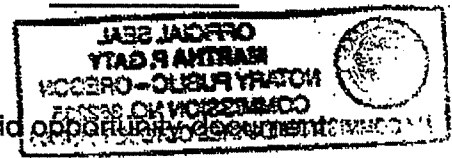
13. Where did you learn about this certification?

Internet State or local agency referral

A certified firm

Other _____

Bid opportunity document





Utilities Customer Svc Financial Services General Services Human Resources **Purchases** T

POL → Government → Bureaus → OMF → Bureaus → Purchases → Information on how to become a City contractor
Contracting Requirements

Contract Award Protests - Printable

Version

INTENT TO AWARD / PROTEST PROCEDURES

The City of Portland will post a Notice of Intent to Award for each bid not exempted from the competitive bidding procedures of ORS 279. (PCC 5.33.350)

The Notice of Intent to Award shall be posted both on the Bureau's Internet Web Page, and in the Bureau of Purchases office location at 1120 SW Fifth Avenue, Room 750, Portland OR 97204. If the proposed contract exceeds \$500,000, the Notice of Intent to Award shall also be mailed to each registered bidder.

Bidders are permitted to challenge the City's decision to award a contract. A bidder shall have seven (7) days from the issuance of the notice of intent to award to file a bid protest. For example, if a Notice of Intent to Award is posted on February 1, a protest may be filed with the Bureau of Purchases as late as 5 p.m. February 8. A protest filed on February 9 would not be considered.

The protest must be filed in writing to the Purchasing Agent and must specify the grounds upon which the protest is based. A valid protest must 1) come from an actual bidder or proposer for the contract, and 2) who claim to be the rightful awardee. That is, a protest is not valid if filed by a bidder who cannot show they would be awarded the contract if their protest were accepted.

The Purchasing Agent will review the protest and issues a written decision. If the bidder disagrees with the decision of the Purchasing Agent, the decision may be appealed to a Purchasing Board of Appeals, a three-member board appointed by City Council. The request for appeal must be filed with the Purchasing Agent within seven (7) days from the date of the written decision. The request must describe the specific reason for the appeal request, and is limited to those matters that were raised in the original protest letter.

Search

Contracting Requirements [dropdown]
[input field]



Questions & Comments

If you have any questions or comments on our web site, please contact our [webmaster](#).

The Board will hear the protest and issue a written decision. If the bidder is not satisfied with the Board's decision, it may ask that its protest be considered by City Council if a request is made within seven (7) days from the date of the Board's written decision.

City Council may decide to hear the appeal, or to adopt the decision of the Board without further hearing. If they decide to hear the appeal, the protesting bidder may be heard at a Council meeting as scheduled by the Council Clerk. Any decision regarding the matter made by Council is final.

A bidder that wishes to protest further is permitted under state law to ask the Circuit Court of Multnomah County to review the Board's or Council's decision.

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DMWESB and Local Small Business Meeting with ODOT/OTIA
Friday April 21, 2006
9:30 - 11AM

AGENDA

Introductions

Goals & Objectives for Meeting

Faye Burch, FM Burch and Assoc., Inc.
Michael Cobb, Director ODOT Civil Right

Projects Update

ODOT/OTIA Representatives

Where we are today

Subcontracts to date

Upcoming work and where they see more opportunities.

Questions presented to the ODOT/OTIA Team

Training Concerns

- To what extent can the training that OBDP provided be applicable for future work?
- For those that feel it was inadequate is there reimbursement available?.
- What better focused training is needed in your view to prepare firms for upcoming work?

Prompt Payment

- How can ODOT payment procedures be improved to mirror the City of Portland's, TriMet and other public agencies with no more than a 30 day turnaround period?

Proposal Process

- *Have you considered* a reimbursement level of expenses for DMWESB's and local small businesses for some of their costs associated with proposal processes similar to that of Prime Consultant firms?

Breakout Group Discussions

Faye Burch, FM Burch and Assoc., Inc.

- What Training is needed to be competitive on ODOT/OTIA projects?
Several firms have asked for training on the multiplier others may have suggestions.
- What compliance would DMWESB firms recommend be in place to assure that work as designated is actually happening and scopes of DMWESB's are not unnecessarily realigned or removed once a project is secured, including compliance with Flexible Services Contracts?
- Is Constructive Performance Feedback and Honest Performance Evaluations and Mentorship for inefficiencies of value to DMWESB's and Small businesses? Is that currently happening and what changes would you suggest?
- How can DMWESB's and local Small Businesses partner with member organizations like AGC and ACEC to better work together to build trust and a non adversarial environment?
- Other as needed.