

DBE Program Requirements During COVID-19 Public Health Emergency

April 2020

The logo for GCAP SERVICES. The letters 'GCAP' are in a large, bold, black sans-serif font. A vertical line is positioned between the 'G' and 'C'. Below 'GCAP' is a horizontal line, and under that line, the word 'SERVICES' is written in a smaller, black, all-caps sans-serif font.

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U.S. DOT DBE
Program Guidance
During COVID-19
Public Health
Emergency

- USDOT issued supplemental guidance on April 1, 2020
- Operating Administrations are responding as timely as possible
- Some delays may occur
- The following guidance remains in effect until May 30, 2020
- Guidance is not legally binding and conformance is voluntary

PUBLIC PARTICIPATION MEETING REQUIREMENTS

Overall DBE Goal Methodology Public Participation, 26.45(g)(1) – Consultative meetings shall be held via:

- Video Conferencing
- Email
- Phone Calls



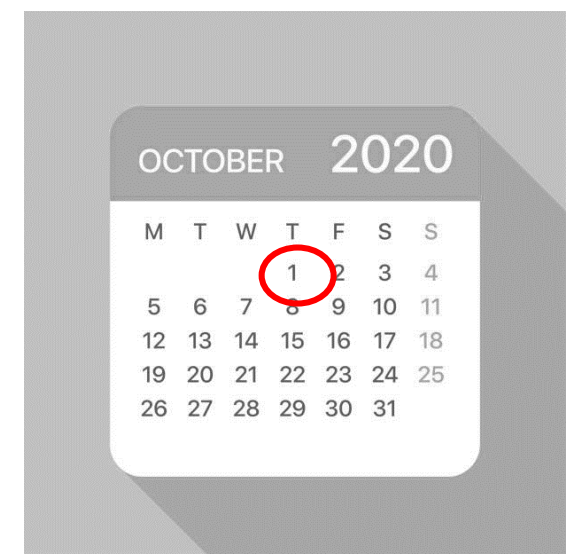
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OVERALL DBE GOAL METHODOLOGY DUE DATES*

The due date for overall goal setting and methodology documents have been extended from August 1, 2020 up to October 1, 2020.

- Recipient cannot advertise solicitations using new goal unless it has submitted its new overall DBE goal document to DOT or,
- Provided a request to DOT to continue to use its old DBE overall goal
- Extensions beyond October 1, 2020 may be approved on a case by case basis

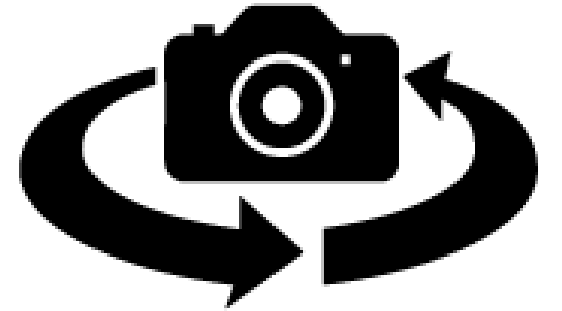
* Required under 26.45(f)(1)(i)



CUF REVIEWS DURING COVID-19

Commercially Useful Functions, 26.55(c) and 26.37(a) – CUF reviews may continue under the following conditions:

- Visiting worksites and taking photos to confirm DBEs are performing CUF as long as social distancing is kept and doing so **DOES NOT** violate local or state COVID policy
- Asking DBEs and Primes to submit electronic records, such as payroll, invoices, emails, photos, etc. demonstrating that DBEs are carrying out CUF
- Interviewing DBEs via video conferencing (Zoom, Teams, etc.) and taking virtual tours of jobsite



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RECONSIDERATION MEETINGS

- Reconsideration Meetings for Good Faith Efforts non-responsiveness, 26.53(d)(3) – Reconsideration meetings must be held via video conferencing (Zoom, Teams, etc.)



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TERMINATIONS AND SUBSTITUTIONS

Terminations and Substitutions, 26.53(f) – No Substantive Change.

- All correspondence should be sent electronically
- Primes shall not terminate DBEs for purpose of cost savings to Primes



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CERTIFICATIONS AND NOTARIZED STATEMENTS

Certifications and Notarized Statements, 26.83(k) – These items apply to certifying agencies only.

- Certification due dates are extended
- Documents should be sent electronically if no system is used
- Documents requiring notarization can now include affidavit, sworn statement, or electronic notarization if any of these are allowed by state



DBE Program Compliance Support During COVID-19 Pandemic

- Should you have questions about DBE Program compliance, contact your USDOT Operating Administration representative, or
- Contact the USDOT Civil Rights team at <https://www.transportation.gov/civil-rights>
- Additional USDOT DBE program updates will be provided as they become available
- If you have other questions or if you need support with your DBE Program, please contact GCAP at info@gcapservices.com



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THANK YOU! STAY HEALTHY AND SAFE!

- Please contact GCAP at info@gcapervices.com or call (714) 800-1795
- For more information, please visit <https://www.transportation.gov/mission/civil-rights/covid-19-guidance>

