



U.S. Department  
of Transportation

**Federal Highway  
Administration**

# Memorandum

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Subject: **ACTION:** Call for Statements of Work for  
Fiscal Year 2022 (FY22) Disadvantaged  
Business Enterprise/Supportive Services  
Program

Date: April 28, 2022

In Reply

Refer to: HCR-30

From: Martha Kenley *MK*  
DBE & Contractor Compliance  
Team Leader

To: Division Administrators  
Deputy Division Administrators  
Civil Rights Specialists

The Federal Highway Administration (FHWA) Office of Civil Rights (HCR) requests that State Departments of Transportation (State DOTs) submit their FY2022 Disadvantaged Business Enterprises Supportive Services (DBE/SS) Statements of Work (SOW) to their respective FHWA Division Office (Division) for review and approval. Divisions should review and evaluate the State DOT's SOW submission to ensure it meets the intent of the DBE/SS program. After review, the Division must submit the SOW and all supporting documents to the corresponding [State folder](#) located on the HCR DBE/SS SharePoint site by, **May 27, 2022**.

The SOW package must include:

- An intent to approve letter;
- A detailed budget; and
- A copy of the entire SOW

Examples of all of these supporting documents are on the [HCR DBE/SS SharePoint Site](#).

Should a State DOT decide not to participate in the DBE/SS program for FY2022, the State DOT's Chief Executive Officer, or designee, must submit a written statement on agency letterhead of the State DOT's intention to decline the FY2022 DBE/SS allocation. Please submit the letter of decline to HCR's [SharePoint](#) by **May 27, 2022**.

**PROGRAM FUNDING**

HCR anticipates the FY2022 allocations will approximate the program annual allocation of \$10M (see [Table 1](#) attached).

## **BUSINESS DEVELOPMENT PROGRAMS**

HCR requires that every State DOT accepting DBE/SS funds include a Business Development Program (BDP). The purpose of a BDP is to evaluate and provide a structured process for DBEs to receive firm-specific training and technical assistance to increase opportunities for successful participation as primes or subcontractors on highway-related contracts. Regulation 49 CFR Part 26, Appendix C sets forth the parameters of a BDP. For additional information on BDPs, please refer to a [report](#) developed from a Peer Exchange among FHWA, FTA, recipients, and stakeholders.

## **STATEMENT OF WORK SUBMISSION PROCESS**

HCR requires each State DOT to design an effective and feasible metric-based DBE/SS program to advance the overall business practices and increase the capacity of participating firms, to improve their ability to compete fairly on federally assisted contracts. FHWA expects State DOTs to develop their own SOWs which must outline the proposed services and budget, approximated, based on the attached funding levels. It is important to know that HCR will accept amendments to the budget and SOW after HCR publishes the FY2022 final allocation amounts. The Catalog of Federal Domestic Assistance (CFDA) number for this program is 20.205.

State DOTs must describe how the program will deliver business development services for identified DBEs and the process of how staff selects DBEs for the program. The SOW should contain goals and objectives tailored to the development of each identified DBE participant. State DOTs must submit only one SOW per Federal fiscal year, although each SOW may include multiple concepts within a single submission. For example, the SOW may include an element of a concluding program and an additional Business Development element. The SOW should not exceed ten pages in total, excluding attachments and/or exhibits.

State DOTs should announce all DBE/SS solicitations on their public website and must solicit proposals from qualified sources in such a way as to ensure the competitive nature of the procurement (23 CFR § 230.204 (e)).

## **ALLOCATION AND PERFORMANCE PROCESS**

Based on the availability of funds, the Division Administrator's recommendation as well as approval by the Deputy Administrator and concurrence by the USDOT Secretary, HCR's Associate Administrator will allocate the funds. Then, the State DOT will need to request obligation of the funds in the Fiscal Management Information System (FMIS). From there, the Division will provide authorization to proceed via FMIS (23 CFR § 630.106). When the State DOT awards the contract and once

approved in FMIS by the Division, the performance period for the DBE/SS contract begins. *DBE/SS contracts may contain an option to renew for up to two years conditioned upon documented satisfactory performance and availability of funding.* Finally, the State DOT must obligate the funds during FY 2022 and spend all the allocated funds by the end of FY 2023, unless given written permission to extend by the Division. The Divisions must notify HCR of all extension approvals. State DOTs must de-obligate all unexpended balances within 90-day of the end of the FY 2023 unless given written approval to extend the date by the Division.

To ensure success of the DBE/SS program, all Divisions must maintain a sufficient level of program oversight to measure progress, achievement of stated metrics, and to address identified concerns promptly. State DOTs must also ensure appropriate DBE/SS program oversight, regularly track progress, and demonstrate achievement of program goals/objectives. State DOTs must submit timely and accurate reports to their respective Division. Divisions must submit a short narrative report to HCR at the end of the performance period. HCR is in the process of developing a report template within Civil Rights Connect that will enhance report consistency, focus on State metric achievements, and program successes.

If you have any questions, please feel free to contact Janelle Hinton at (202) 366-1604 or [Janelle.Hinton@dot.gov](mailto:Janelle.Hinton@dot.gov).

**Table I: Approximate FY2022 DBE/SS Estimated Allocation**

| State                   | Program Code | FY2022<br>Estimated<br>Allocation |
|-------------------------|--------------|-----------------------------------|
| Alabama                 | Y480         | \$190,402                         |
| Alaska                  | Y480         | \$125,838                         |
| Arizona                 | Y480         | \$183,622                         |
| Arkansas                | Y480         | \$129,935                         |
| California              | Y480         | \$921,126                         |
| Colorado                | Y480         | \$135,733                         |
| Connecticut             | Y480         | \$126,051                         |
| Delaware                | Y480         | \$42,453                          |
| District of<br>Columbia | Y480         | \$40,044                          |
| Florida                 | Y480         | \$475,494                         |
| Georgia                 | Y480         | \$324,048                         |
| Hawaii                  | Y480         | \$42,447                          |
| Idaho                   | Y480         | \$71,782                          |
| Illinois                | Y480         | \$356,810                         |
| Indiana                 | Y480         | \$239,133                         |
| Iowa                    | Y480         | \$123,339                         |
| Kansas                  | Y480         | \$94,839                          |
| Kentucky                | Y480         | \$166,748                         |
| Louisiana               | Y480         | \$176,140                         |
| Maine                   | Y480         | \$46,327                          |
| Maryland                | Y480         | \$150,815                         |
| Massachusetts           | Y480         | \$152,423                         |
| Michigan                | Y480         | \$264,236                         |
| Minnesota               | Y480         | \$163,650                         |
| Mississippi             | Y480         | \$121,378                         |
| Missouri                | Y480         | \$237,585                         |
| Montana                 | Y480         | \$102,970                         |
| Nebraska                | Y480         | \$72,539                          |
| Nevada                  | Y480         | \$91,131                          |
| New<br>Hampshire        | Y480         | \$41,466                          |
| New Jersey              | Y480         | \$250,579                         |
| New Mexico              | Y480         | \$92,161                          |
| New York                | Y480         | \$421,260                         |
| North Carolina          | Y480         | \$261,744                         |
| North Dakota            | Y480         | \$62,306                          |
| Ohio                    | Y480         | \$336,400                         |

|                                    |      |              |
|------------------------------------|------|--------------|
| Oklahoma                           | Y480 | \$159,165    |
| Oregon                             | Y480 | \$125,440    |
| Pennsylvania                       | Y480 | \$411,770    |
| Rhode Island                       | Y480 | \$54,886     |
| South Carolina                     | Y480 | \$168,052    |
| South Dakota                       | Y480 | \$70,775     |
| Tennessee                          | Y480 | \$212,074    |
| Texas                              | Y480 | \$978,982    |
| Utah                               | Y480 | \$87,145     |
| Vermont                            | Y480 | \$50,935     |
| Virginia                           | Y480 | \$255,387    |
| Washington                         | Y480 | \$170,133    |
| West Virginia                      | Y480 | \$109,676    |
| Wisconsin                          | Y480 | \$188,833    |
| Wyoming                            | Y480 | \$64,293     |
| Puerto Rico                        | Y480 | \$35,000     |
| Virgin Islands                     | Y480 | \$22,500     |
| <b><i>Total<br/>Allocation</i></b> |      | \$10,000,000 |