

Disadvantaged Business Enterprise and Title VI Update

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The initial Disadvantaged Business Enterprise program got its beginning with less fanfare than that with the current program. The initial provisions which provided specific requirements for the solicitation and utilization of minority businesses in the highway construction industry were implemented in early 1976. The IDOH was required to review the affirmative actions of the prime contractor to utilize MBEs on each request for subcontractor approval. Until the minimum requirements had been met or an MBE selected to perform the work, the request could not be approved. These requirements also caused the development of the first MBE directory.

This was updated to its current status through the procedures established in accordance with 49 CFR, Part 23, the Surface Transportation Assistance Act of 1982 and subsequent amendments. During this time the program was changed to the Disadvantaged Business Enterprise program (DBE) and the Women's Business Enterprise program was implemented.

Although we may not all agree on the philosophy or reasoning for the DBE program, it is our combined responsibility to make it a success. There have been many accusations that the program is not working, there are not enough DBEs to meet the goal, that the DBEs are not doing the work or that we are creating "front" and "sham" organizations. We are attempting to create more program creditability through closer monitoring from district and central office personnel. The primary responsibility will lie with the district EEO officer and project engineer/supervisors because of their direct daily contact at the job site. Infractions reported by the district will be combined with information gathered by the central office, to evaluate the eligibility of the DBE or WBE to participate in the program. Those who do not meet or maintain the appropriate standards will have appropriate actions taken against them.

The DBE and WBE programs can be a success, but it will take the efforts of all involved to accomplish the goal. Thus far we have been able to meet the annual 10% DBE goal and it is our intention to continue to meet or surpass the established goals. We have not been able to meet the voluntary WBE goal of 3%, although we are very close.

The Title VI program has been in existence since 1965 when the first "assurances" were signed. A more formal program was adopted in the early 1970's. Since the inception of the program it has been misunderstood because of very vague and limited instructions. For a number of years the IDOH internal employment program, which is actually Title VII, was included as part of Title VI. This gave many people a misconception of what their responsibilities were under Title VI.

Although the total implications of Title VI are not currently understood, many Title VI activities are being performed on a daily basis by the responsible IDOH personnel. They are not being performed because it is a Title VI function but because they are part of the divisional responsibilities.

Currently Title VI policies and procedures are being developed. In preparing for the implementation of the updated program, each appropriate division within the IDOH has been requested to appoint a Title VI designee. These designees will have the responsibility of coordinating the Title VI activities within their respective division and reporting these activities to the EEO Office.

Prior to the implementation of the revised Title VI program, meetings will be held with each appropriate division chief and Title VI designee. These meetings will be to discuss the proposed procedures and for all to gain an understanding of the Title VI implications within the division and the appropriate responsibilities.

In order for the EEO Office to monitor the Title VI program, quarterly or semi-annual reports will be required. These reports, together with periodic reviews will provide information for evaluations and the reporting of program accomplishments and deficiencies to IDOH executives and FHWA. It is anticipated that with coordination and cooperation the Title VI program can become a success. I cannot do it without you.

If there are any questions, feel free to contact me.