

# DISADVANTAGED BUSINESS ENTERPRISE PROGRAM



APRIL 2025

# Technical Documentation

<b>Title</b> Disadvantaged Business Enterprise Program		<b>Corresponding Documents</b> CHATS Public Participation Plan BCDCOG Title VI Plan
<b>Agency</b> Berkeley-Charleston-Dorchester Council of Governments (BCDCOG) 5790 Casper Padgett Way North Charleston, SC 29406		<b>Adoption Authority</b> BCDCOG Board of Directors
		<b>Adoption Date</b> April 21, 2025
<b>Version Control</b>		
Version No.	Description	Date
1.00	Adopted Program	Julv 22. 2019
2.00	Internal Draft Program	April 9. 2025
2.01	Updated Internal Draft Program	April 10. 2025
2.03	Updated Internal Draft Program	April 14. 2025
2.04	Public Draft Program	April 16. 2025
2.05	Final	April 30. 2025
<b>Abstract</b> Federally-required program designed to ensure small and disadvantaged businesses have an equal opportunity to compete for all of BCDCOG’s FTA- and FHWA-assisted contracts within the Berkeley-Charleston-Dorchester region, in compliance with 49 CFR Part 26.		
<b>Keywords</b> Business, Businesses, Contract, Contracts, Contracting, DBE, Disadvantaged, Discrimination, Enterprise, Federal-aid, Federally-assisted, FHWA, FTA, Goals, Minority, Participation, Small, Subcontractor, Target, Target Setting, Woman-owned		<b>Cover Images (clockwise)</b> <a href="#">Mina Rad</a> , <a href="#">Morgan Von Gunten</a> , <a href="#">Etienne Girardet</a> , <a href="#">Manish Sharma</a> , <a href="#">emarts emarts</a> , <a href="#">Emmanuel Ikwuegbu</a> , and <a href="#">Christina @wocintechchat</a>

## Non-Discrimination

BCDCOG shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any of its activities, programs, or services.

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# Glossary

BIL: Bipartisan Infrastructure Law

DBE: Disadvantaged Business Enterprise

DPP: DBE Performance Plan

DWBE: Disadvantaged Woman Business Enterprise

FFY: Federal Fiscal Year

FHWA: Federal Highway Administration

FTA: Federal Transit Administration

SCDOT: South Carolina Department of Transportation

TrAMS: Transit Award Management System

USDOT: United States Department of Transportation

## Purpose

BCDCOG's DBE Program exists to help ensure small and disadvantaged businesses have an equal opportunity to compete for all of BCDCOG's FTA- and FHWA-assisted contracts. The DBE Program has been authorized by statute since 1982 and was last reauthorized by the Bipartisan Infrastructure Law (BIL) in 2021. Because BCDCOG is a recipient of both FTA and FHWA financial assistance, BCDCOG is required by USDOT to develop and implement a USDOT-approved DBE Program. Although there are differences in how BCDCOG shares DBE-related reporting with FTA and FHWA, BCDCOG's DBE Program requirements are the same for both agencies. Because there are identical requirements, BCDCOG only maintains a single DBE Program.<sup>1</sup>

## Regulatory Timeline

- 1982 - Congress passes first DBE statute and establishes aspirational national target
- 1983 - USDOT publishes its first DBE Rule
- 1987 - Congress adds women as a disadvantaged group
- 1995 - US Supreme Court's *Adarand* decision
- 1999 - USDOT overhauled regulations to conform with the *Adarand* decision
- 2011 - DBE Rule amended
- 2014 - DBE Rule further amended
- 2024 - DBE Final Rule published

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<sup>1</sup> [49 CFR 26.21](#)

## Updates

USDOT requires BCDCOG to update its DBE Program, at minimum, each time there are substantive changes in federal DBE Program requirements. On April 9, 2024, USDOT published the DBE Final Rule<sup>2</sup> which created the following substantive changes to BCDCOG's DBE Program:<sup>3</sup>

- **Uniform Report** - Clarified that BCDCOG is required to collect and report on the name of DBE contractors that performed work on USDOT-assisted contracts, the category of work completed (by NAICS code), the dollar value of the contract, the number of firms that were listed at commitment but replaced (as well as an explanation for the replacement), and the number of firms decertified during the reporting period.
- **DBE Bidders List** - BCDCOG must report the firms bidding on prime contracts and subcontracts, including the name of the firm, their DBE status, the fields of work included in their bid (by NAICS code), and additional information outlined by USDOT.
- **Design-Build** - Created new requirements for prime contractors to submit an open-ended DBE Performance Plan (DPP) in their design-build proposals that details the type of work the prime will solicit DBEs to perform, the projected timeframe in which actual subcontracts will be awarded, and the monitoring process.
- **Prompt Payment/ Return of Retainage** - Clarified that BCDCOG's DBE Program must include mechanisms it will use for proactive monitoring and oversight of a prime contractor's compliance with subcontract (including lower tier subcontracts) prompt payment and return of retainage requirements that expands beyond reliance on complaints or notifications from subcontractors.
- **Decertification** - Clarified that prime contractors may add work or extend a completed subcontract with a decertified firm only if it obtains prior, written consent from BCDCOG. Continued credit towards a race-conscious contract goal is disallowed if the DBE's ineligibility after the subcontract is signed is the result of a purchase by or merger with a non-DBE firm (in which case the prime contractor would be required to use good faith efforts to replace the DBE if additional credit is needed to meet the contract goal).

These changes have been incorporated into this update of BCDCOG's DBE Program.

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<sup>2</sup> USDOT Final Rule (published: April 9, 2024): <https://www.govinfo.gov/content/pkg/FR-2024-04-09/pdf/2024-05583.pdf>

<sup>3</sup> Summary of substantive changes: <https://www.transportation.gov/dbe-rulemaking/summarypage>

## DBE Administrator

BCDCOG's executive director is responsible for ensuring adherence to BCDCOG's DBE policies, as shown in **Appendix A**.

BCDCOG's DBE administrator is responsible for coordinating with departmental directors to develop, implement, and monitor the DBE Program.<sup>4</sup> The DBE administrator will have direct, independent access to BCDCOG's executive director in matters concerning the DBE Program.

BCDCOG designates the following individual as the DBE administrator:

Robin Mitchum  
Deputy Director of Finance & Administration  
5790 Casper Padgett Way  
North Charleston, SC 29406  
[robinm@bcdcog.com](mailto:robinm@bcdcog.com)  
Phone: 843-529-0400  
Fax: 843-529-0305

An organizational chart displaying the DBE administrator's position at BCDCOG can be found in **Appendix C**.

Duties and responsibilities of the DBE administrator are described as follows:

- Engages DBEs and related community organizations to advise them of opportunities
- Works with appropriate departmental directors to set triennial DBE participation targets
- Verifies DBE participation targets are included in solicitations using race-neutral methods
- Ensures that bid notices and requests for proposals are available to small and disadvantaged businesses in a timely manner
- Works with project managers to determine contractor compliance with good faith efforts
- Maintains current contract and invoice information
- Analyzes BCDCOG's progress toward attainment of DBE participation targets
- Plans and participates in DBE training seminars

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<sup>4</sup> [49 CFR 26.25](#)

## DBE Directory

BCDCOG does not maintain its own directory of DBEs. Instead, BCDCOG uses the South Carolina Department of Transportation's (SCDOT) DBE directory:<sup>5</sup>

<http://dbwapps.scdot.org/dbesearch/>

This directory provides a searchable database of all SCDOT-certified DBEs, including:

- Firm name
- Physical address
- Whether or not they are certified as a DBE to perform work as a prime contractor, subcontractor, or both
- NAICS code(s) and a description of the type of work in which they are certified as a DBE
- Point of contact
- Woman-owned business status (WMBE)
- Date of DBE certification

Information on the race of the majority business owner must be obtained directly from SCDOT's Minority & Small Business Affairs staff.

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<sup>5</sup> SCDOT participates in the Unified Certification Program which allows certified DBE firms in one state to more easily receive certification in another state.

# Engagement

To support this DBE Program update, BCDCOG staff conducted stakeholder interviews and other engagement activities. Notes from these interviews and activities can be found in **Appendix F**. BCDCOG staff contacted 91 individuals, inviting them to provide feedback through **one-on-one interviews**. Groups targeted by staff included:

- Existing SCDOT-certified DBEs within the field of transportation planning and engineering
- Managers of municipal- and state-level small and minority business programs
- Non-profits associated with small and minority business advocacy
- Economic development departments and local chambers of commerce

Initially, BCDCOG staff completed 34 phone, video, or in-person interviews which ranged in length from 15 to 60 minutes. The interviews followed one of two scripts: the first developed for public agencies and the second developed for certified DBEs, chambers of commerce, and non-profits. At the end of each interview, staff asked each interviewee for any additional agencies, organizations, or companies that should be included in the DBE-specific engagement effort, yielding an additional 24 potential interview targets. Outreach to these referrals led to 5 additional interviews completed by the end of July 2022 (along with other ongoing conversations with previous interviewees).

Below is a summary of issues experienced by existing and potential DBEs working in South Carolina:

- Difficulty locating information about upcoming contract opportunities. Specifically, difficulty filtering “Requests for Proposals” within the South Carolina Business Opportunities (SCBO) publication
- Difficulty for new businesses to establish a work history with larger prime contractors and the benefits of pre-bid meetings
- Prohibitive bonding requirements
- Lack of knowledge about existing DBE resources

On November 9, 2022, BCDCOG staff met with members of the Tri-County Chamber of Commerce to discuss rural workforce needs, micro learning sites, and potential collaboration with the Grace Impact Development Center.

On January 19, 2023, BCDCOG staff visited the South Carolina Business Development Center (SBDC) in Columbia. BCDCOG staff shared existing regionally-controlled revolving loan opportunities with SBDC and discussed the potential for small business development grant opportunities through the Economic Development Administration. On February 2, 2023, BCDCOG staff met with additional staff from SBDC to discuss rural business development needs.

To address the issues identified by stakeholders, BCDCOG will incorporate the following race-neutral measures, where appropriate:

- Continued participation in events organized to promote minority- and owned businesses
- Highlighting contracting opportunities from BCDCOG's *Unified Planning Work Program* and *Rural Planning Work Program* on BCDCOG's procurement webpage so that contractors can more easily anticipate upcoming contract opportunities during the next two federal fiscal years
- Pre-bid meet and greets with potential prime and subcontractors
- Bonding assistance and waiver programs
- Updated RFP language that highlights the intention of the DBE program and BCDCOG's three-year target (specify what role DBEs must play on the contract in order to receive allocated points from evaluation criteria)
- Creation of a consolidated DBE resource page with all the education and assistance opportunities available within the Southeast, South Carolina, and the local area

## DBE Participation Targets

USDOT set an aspirational national target of not less than 10% DBE participation on USDOT-assisted contracts. The national target does not authorize or require recipients to set local targets at any specified level.<sup>6</sup>

USDOT does not allow BCDCOG to use DBE participation quotas or set-aside contracts in the administration of this DBE Program.<sup>7</sup> Instead, BCDCOG must follow USDOT’s three-step process for identifying the availability of ready, willing, and able DBEs relative to all businesses that are ready, willing, and able to participate on USDOT-assisted contracts in BCDCOG’s region. This process is designed to identify the DBE participation rate in the BCDCOG region that could be expected absent the effects of discrimination.<sup>8</sup> **Table 1** shows BCDCOG’s previous and current DBE participation targets on FTA- and FHWA-assisted contracts.

**Table 1: BCDCOG DBE Participation Targets by Period**

Period*	BCDCOG DBE FTA Target	BCDCOG DBE FHWA Target
FFY 2011-2013	3.0%	3.0%
FFY 2014-2016	3.4%	3.4%
FFY 2017-2019	10.0%	3.5%
FFY 2020-2022	5.0%	5.0%
FFY 2023-2025	10.0%	6.0%
FFY 2026-2028**	10.0%	6.0%

\* All periods used 100% race-neutral means

\*\* See Appendix G for FTA targets and Appendix H for FHWA targets

## Eligible Activities

**Table 2: DBE Eligible Activities**

This table shows which activities are included in BCDCOG’s DBE reporting and which are excluded.

Eligible Activity	Not Eligible Activity
Support vehicles	Transit rolling stock
Contracted labor/travel/supplies	BCDCOG staff labor/travel/supplies
Purchase of service contracts	Ad-hoc services
Contracts with regular dealers and distributors	Packager, broker, or manufacturer’s representative
-	Land acquisition and railroad fees

<sup>6</sup> [49 CFR 26.41](#)

<sup>7</sup> [49 CFR 26.43](#)

<sup>8</sup> [49 CFR 26.45](#)

## Step 1: Baseline of Available DBEs

First, USDOT requires BCDCOG to identify a baseline number of SCDOT-certified DBE firms that are available to compete for anticipated contracts during the upcoming three-year period. The baseline must be a fair and accurate representation of businesses that are available and eligible to meet BCDCOG's anticipated procurement needs.

## Step 2: Adjustment Based on Local Knowledge

To ensure BCDCOG's participation target accurately represents the participation USDOT would expect absent the effects of discrimination, USDOT encourages BCDCOG to go beyond the formulaic measurements of eligible firms from Step 1 by incorporating information about other conditions affecting small and disadvantaged businesses. USDOT requires all adjustments to be based on evidence (such as a disparity study), and the adjustments may account for the proven capacity of locally-eligible firms to perform work on USDOT-assisted contracts.

## Step 3: Consultation & Publication

USDOT requires BCDCOG to consult with **interested stakeholders** as part of the DBE participation target setting process. These groups may include groups representing minority populations, women, general contractors, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and efforts to establish a level playing field for DBEs.

In addition, USDOT requires BCDCOG to publish notice of its DBE participation target on BCDCOG's website (or other sources such as media, trade association publications, and in-person inspection at BCDCOG's office at the discretion of BCDCOG).

## USDOT Approval

BCDCOG must update its separate FTA and FHWA DBE participation targets at least every three Federal Fiscal Years. The updated target is due by August 1<sup>st</sup> prior to the start of the new three-year period.<sup>9</sup>

BCDCOG must include a description of its methods used to establish its DBE participation targets in its submission to FTA and FHWA. These methods must adhere to USDOT's three-step process and specify the portion of BCDCOG's target that it will meet through race-neutral and race-conscious measures. In addition, BCDCOG must document its consultation and published notice from Step 3.

BCDCOG is not required to obtain concurrence from FTA or FHWA on its DBE participation targets. However, if these agencies review the targets and note an incorrect method or an error in the calculations, the agencies may consult with BCDCOG and require BCDCOG to adjust its targets.

## Financial Institutions

USDOT requires BCDCOG to thoroughly investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in BCDCOG's region. If such financial institutions are available, USDOT requires BCDCOG to make reasonable efforts to use these institutions and to encourage prime contractors to use these institutions.<sup>10</sup> **Table 2** shows SCDOT-certified DBEs that provide financial services as of the adoption of this Program.

There are no SCDOT-certified DBE banks or other financial institutions in South Carolina. Other financial-related services, such as bookkeeping, accounting, and notary services are handled in-house by BCDCOG staff. BCDCOG will continue to maintain a list of available SCDOT-certified DBEs that provide bonding and small business certification services in the event contractors request support in identifying these institutions.

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<sup>9</sup> [49 CFR 26.45\(f\)\(1\)\(iv\)](#)

<sup>10</sup> [49 CFR 26.27](#)

**Table 2: Certified DBE Financial Institutions**

Firm	Location	Services
1Impact First	Simpsonville, SC	- Bookkeeping
An Angel's Touch Financial Services	Columbia, SC	- Bookkeeping
Creative Insurance Concepts	Chesterfield, VA	- Bonding
ET&J Financials	Columbia, SC	- Notary Services - New Business Set-up
GLK Legal & Logistics Group	Cumming, GA	- Notary Services
Infinity Resources Group	Charlotte, NC	- Small Business Certifications - Notary Services - Accounting Services
Jackson Management Group	Pikesville, MD	- Proposal Writing - Compliance - Mobile Notary Services
Magnum Benton Ventures	Durham, NC	- Bookkeeping
McKnight & Associates	Columbia, SC	- Bookkeeping
Myrtle Beach Agent	Daniel Island, SC	- Notary Services
Parker Baxiss Logistics	Moore, SC	- Notary Services
Peek, LLC	Washington, DC	- Finance & Debt Lending - Bonding for Small Businesses
Raine Lab Pros	Columbia, SC	- Notary Services
Rolling Blue Logistics	Herman, MN	- Bookkeeping
Savvy Business Solutions	Simpsonville, SC	- Notary Services
The Louris Group	Greenville, SC	- Bookkeeping
Tripp Construction	Moncks Corner, SC	- Bookkeeping
TRS Support Services	Charleston, SC	- Notary Services
TutwielerDawkins	Columbia, SC	- Bookkeeping - Financial Coaching
Wallace Notary Services	Aiken, SC	- Mobile Notary Services

## Reporting

BCDCOG will maintain a record of payments to prime contractors and subcontractors on USDOT-assisted contracts. BCDCOG’s DBE administrator will create a summary of these payments every six months and will organize these payments by federal funding agency.<sup>11</sup> For FTA-assisted contracts, the DBE administrator will upload the biannual “**Uniform Report of DBE Commitments/ Awards & Payments**” to the online Transit Award Management System (TrAMS). BCDCOG’s Uniform Reports will follow the format specified by FTA, as shown in **Appendix D**.<sup>12</sup> For FHWA-assisted contracts, the DBE administrator will share payment data with FHWA administrators upon request.

If BCDCOG does not meet its FTA or FHWA DBE participation targets on new awards and commitments for a given FFY, BCDCOG will develop a **Shortfall Analysis & Corrective Action Plan**. This report promotes accountability by requiring BCDCOG to identify the reasons it failed to meet its DBE participation target within the preceding FFY and to identify means to increase its DBE participation in the next FFY.

The reporting schedule for the Uniform Report and Shortfall Analysis & Corrective Action Plan can be found in **Table 3**.

**Table 3: Report Schedule**

Report	Frequency	Period Begin	Period End	Report Date
Uniform Report	Biannual	October 1st	March 31st	June 1st
		April 1st	September 30th	December 1st
Shortfall Analysis & Corrective Action Plan	Annual	October 1st	September 30th	December 29th
Bidder Info	Annual	October 1st	September 30th	December 1st

<sup>11</sup> [49 CFR 26.11\(a\)](#)

<sup>12</sup> An editable Excel workbook with FTA’s Uniform Report format can be downloaded on FTA’s website: <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/dbe-reporting-form-excel>

The **Shortfall Analysis** should include the following components:

- Document the DBE participation target
- List FTA- or FHWA-assisted contracts during the FFY
- Document the actual DBE participation on new awards/ commitments for each project
- Breakdown DBE participation by race-conscious/ race-neutral means for each project
- Explain the effectiveness (or lack of effectiveness) of the race-neutral measures used
- Thoroughly explain why BCDCOG did not reach its DBE participation target

FTA recommends answering the following questions when evaluating the effectiveness of race-neutral measures:

- What trainings did you attend or facilitate, and were the trainings effective?
- Did training materials address issues relevant to small and disadvantaged businesses?
- What engagement activities did you facilitate, and were the activities effective?
- Did BCDCOG identify opportunities to unbundle contracts?
- Does the contract solicitation process hinder DBE participation?

FTA guidance emphasizes the requirement to provide **detailed and specific explanations** as to why individual contracts and the DBE Program as a whole did not meet BCDCOG's participation targets.

After analyzing the reasons for not meeting participation targets, USDOT requires recipients to create a Corrective Action Plan that establishes measures for improving DBE participation. The **Corrective Action Plan** should include the following components:

- Describe all corrective actions that will be taken in the next FFY<sup>13</sup>
- Explain how these corrective actions will increase DBE participation
- Provide a timeline for implementation of the corrective actions

Only the top **50 largest recipients** of FTA funding are required by FTA to submit their Shortfall Analysis & Corrective Action plans through TrAMS.<sup>14</sup> All other FTA funding recipients - including BCDCOG - must retain their Shortfall Analysis & Corrective Action Plan in their records for three years and make it available to FTA on request.

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<sup>13</sup> This may include strengthening race-neutral measures or determining if race-conscious measures, such as contract goals, should be implemented. USDOT only allows race-conscious measures to be used when there is sufficient evidence of discrimination or its effects in the recipient's contracting market area, as documented in a disparity study or similar study. If BCDCOG uses race-conscious measures and exceeds its DBE participation target in two consecutive FFYs, USDOT requires BCDCOG to reduce its use of race-conscious measures proportionately in the following FFYs.

<sup>14</sup> BCDCOG is not currently one of the top 50 recipients of FTA funding. See FTA's "Top 50 Grantees" (last updated: September 1, 2015): <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/top-50-grantees>

To assist the DBE administrator in tracking payments to prime contractors and subcontractors, BCDCOG developed a **project tracking template**.<sup>15</sup> This Excel workbook allows project managers to track required information about firms participating on a contract, the project budget by firm and task, and individual invoices on a rolling basis. The DBE administrator will collect the individual project tracking workbooks from project managers at the end of each six-month reporting period to serve as inputs into the Uniform Report, Shortfall Analysis, and Corrective Action Plan. The DBE administrator will provide training to new project managers on USDOT-assisted contracts to ensure accurate reporting.

In addition to reporting DBE participation, USDOT's DBE Final Rule<sup>16</sup> emphasized the requirement for recipients to track and report on **prompt payments**. To assist in this process, USDOT shared its prompt payment tracking tool in January 2025.<sup>17</sup> BCDCOG incorporated the prompt payment tracking requirements into its project tracking template.

USDOT also requires BCDCOG to report **bidders list** information.<sup>18</sup> USDOT requires BCDCOG to share the following information about each DBE and non-DBE contractor and subcontractor from its bidders list:

- Firm name
- Firm address, including ZIP code
- Firm's DBE status
- Race and gender information for the firm's majority owner<sup>19</sup>
- NAICS code applicable to each scope of work the firm sought to perform in its bid
- Age of the firm
- Annual gross receipts of the firm by category (example categories below)<sup>20</sup>
  - Less than \$1 million
  - \$1-3 million
  - \$3-6 million
  - \$6-10 million
  - Greater than \$10 million

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<sup>15</sup> BCDCOG staff can access the project tracking template on BCDCOG's server.

<sup>16</sup> USDOT Final Rule (published: April 9, 2024): <https://www.govinfo.gov/content/pkg/FR-2024-04-09/pdf/2024-05583.pdf>

<sup>17</sup> USDOT DBE Prompt Payment Tool (last updated: January 16, 2025): <https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise/promptpaymenttool>

<sup>18</sup> [49 CFR 26.11\(c\)](#)

<sup>19</sup> Race and gender for certified DBE firms listed in SCDOT's DBE directory can be obtained directly from SCDOT's Minority & Small Business Affairs staff.

<sup>20</sup> BCDCOG may obtain this information for firms by asking each firm to indicate into which gross receipts bracket they fit instead of requesting an exact figure.

BCDCOG must collect this information from all bidders within their bid packets, proposals, or other initial responses to negotiated procurement processes.<sup>21,22</sup> Once established in TrAMS, BCDCOG will be required to submit the bidder information no later than December 1st following the FFY in which the relevant contract was awarded.

In the event of BCDCOG awarding a design-build contract in which subcontractors will be solicited throughout the contract period (in accordance with the project's DBE Performance Plan), the bidder information must be entered no later than December 1st of the FFY in which the design-build prime contractor awards the relevant subcontract(s).

## Regular Dealer & Distributors

Regular dealers are companies that keep in stock materials, supplies, articles, or equipment and regularly sell or lease these items to the public in their usual course of business. UDSOT requires that BCDCOG only count expenditures paid to a SCDOT-certified DBE regular dealer on USDOT-assisted contracts as only 60% towards BCDCOG's DBE participation target and 40% for distributors. BCDCOG may require potential regular dealers or distributors to provide written responses to relevant questions to help BCDCOG determine if their contracts should be included in BCDCOG's DBE reporting and if they are performing meaningful work.<sup>23</sup>

## Overconcentration

BCDCOG has not identified an overconcentration of DBEs within a single field of work that unduly burdens non-DBE firms.<sup>24</sup>

## Fostering Small Business

BCDCOG has not established a small business development program.<sup>25</sup> Currently, BCDCOG does not use race-conscious goals in its contract solicitations. However, BCDCOG does take reasonable, proactive steps to eliminate obstacles to the participation of small and disadvantaged businesses in USDOT-assisted contracts. This includes compliance with USDOT's design-build DBE Performance Plan (DPP) requirement, encouraging the unbundling of contract awards when feasible, and community engagement with small businesses (see **Appendix F**).

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<sup>21</sup> [49 CFR 26.11\(c\)\(3\)](#)

<sup>22</sup> BCDCOG must maintain the complete application package for each certified firm and all Declarations of Eligibility, change notices, and on-site visit reports for a minimum of three years.

<sup>23</sup> [49 CFR 26.53\(c\)](#) – “commercially useful function”

<sup>24</sup> [49 CFR 26.33](#)

<sup>25</sup> [49 CFR 26.39\(a\)](#)

## Contract Solicitation

Below is evaluation criteria language that can be edited to fit a specific project and included in the corresponding request for proposals:

*BCDCOG's DBE Program exists to ensure small and disadvantaged businesses have an equal opportunity to compete for all of BCDCOG's USDOT-assisted contracts. DBE participation shall be an integral component of the contractor selection process for this RFP.*

*A total of 15 possible points (out of a maximum of 100 points) may be awarded for DBE participation, as measured in the percent of the contract value assigned to a SCDOT-certified DBE. BCDCOG reserves the right to reduce a DBE participation score for proposals that do not specify the role of the DBE or demonstrate that the DBE will be completing meaningful work on the project. DBE points are to be awarded as follows:*

<b>DBE % of Contract</b>	<b>Points</b>
0-4%	0 points
5%	1 point
6%	2 points
7%	3 points
8%	4 points
9%	5 points
10%	6 points
11%	7 points
12%	8 points
13%	9 points
14%	10 points
15%	11 points
16%	12 points
17%	13 points
18%	14 points
19%	15 points

*A valid SCDOT-certified DBE prime contractor will receive the maximum possible points for DBE participation.*

*Failure to include a DBE in your proposal does not disqualify a firm from being awarded a contract, but it will significantly lower its odds of winning a contract.*

*In the event of a tie score between two or more proposals, the proposal with the largest percent of DBE participation will be awarded the contract.*

## Mentor-Protégé Programs

Project managers may add additional weight to the DBE evaluation criterion in their RFP if the proposal includes a **mentor-protégé program**.<sup>26</sup> This is a type of business development program between a prime contractor and a DBE to assist the DBE in gaining the ability to compete successfully in the marketplace outside.

## Race-neutral Measures

BCDCOG must meet the maximum feasible portion of its DBE participation target using race-neutral measures.<sup>27</sup> Race-neutral measures include, but are not limited to, the following:

- Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contact information for BCDCOG staff and prime contractors accessible to small businesses.
- Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs and other small businesses to obtain bonding and financing).
- Providing technical assistance and other services.
- Carrying out information and communication programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs and other small businesses on recipient mailing lists for bidders, ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors, and the provision of information in languages other than English, where appropriate).
- Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses.
- Providing services to help DBEs and other small businesses to improve long-term development, increase opportunities to participate in a variety of fields or work, handle increasingly significant projects, and achieve self-sufficiency.
- Establishing a program to assist new start-up firms, particularly in fields in which DBE participation has historically been low.
- Ensuring distribution of SCDOT's DBE directory to the widest feasible universe of potential prime contractors.

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<sup>26</sup> [49 CFR 26.35\(a\)](#)

<sup>27</sup> [49 CFR 26.51](#)

## Design-Build

BCDCOG requires prime contractors to submit in their design-build proposals an open-ended DBE Performance Plan (DPP) that details the type of work the prime contractor will solicit DBEs to perform, the projected timeframe in which actual subcontracts will be awarded, and the monitoring process.<sup>28</sup>

## Contract Clauses

These clauses apply to all prime contractors and subcontractors, regardless of DBE status. BCDCOG requires prime contractors to maintain records and documents of payments to subcontractors for a minimum of three years unless otherwise provided by applicable record retention requirements for BCDCOG's financial assistance agreement, whichever is longer. These records will be made available for inspection upon request by any authorized representative of FTA, FHWA, or USDOT.

## BCDCOG Assurance

USDOT requires BCDCOG to include the following assurance in each financial assistance agreement it signs with FTA or FHWA:<sup>29</sup>

*BCDCOG shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-assisted contract or in the administration of its DBE Program, in accordance with the requirements of 49 CFR Part 26. BCDCOG shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in the award and administration of USDOT-assisted contracts.*

*BCDCOG's DBE Program, as required by 49 CFR Part 26 and as approved by USDOT, is incorporated by reference in this agreement. Implementation of this DBE Program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to BCDCOG of its failure to carry out its approved DBE Program, USDOT may impose sanctions as provided under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 or the Program Fraud Civil Remedies Act of 1986. (31 U.S.C. 3801 et seq.).*

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<sup>28</sup> [49 CFR 26.53\(e\)](#)

<sup>29</sup> [49 CFR 26.13\(a\)](#)

## Prime Contractor & Subcontractor Assurance

USDOT requires BCDCOG to include the following assurance in each FTA- or FHWA-assisted contract it signs with a prime contractor or subcontractor:<sup>30</sup>

*The contractor, subrecipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contract shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT-assisted contracts.*

*Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:*

- (1) Withholding monthly progress payments;*
- (2) Assessing sanctions;*
- (3) Liquidated damages; and*
- (4) Disqualifying the contractor from future bidding as non-responsive.*

## Transit Vehicle Manufacturer

In order to bid on an FTA-assisted contract, BCDCOG requires each transit vehicle manufacturer (TVM) to certify that it has complied with the following:

- On FTA's list of eligible transit vehicle manufacturers or submitted a goal methodology that has been approved or is pending approval by FTA
- Comply with FTA reporting requirements, including DBE reporting requirements

Within 30 days of becoming contractually required to procure a transit vehicle, BCDCOG will submit to FTA the name of the successful TVM bidder and the Federal share of the contractual commitment at that time.<sup>31</sup>

BCDCOG does count support vehicles towards its DBE participation target; however, it does not count transit rolling stock.

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<sup>30</sup> [49 CFR 26.13\(b\)](#)

<sup>31</sup> [49 CFR 26.49](#)

## Prompt Payments & Return of Retainage

Access to financial capital has traditionally been a barrier for DBEs and all small businesses, impacting their financial stability. Prompt payment and return of any withheld retainage are imperative for subcontractors to keep up with expenses like payroll, materials, equipment, and other business costs. Delayed payments by prime contractors or upper tier subcontractors can result in devastating financial hardship for all subcontractors.

USDOT requires Prompt Payment and Return of Retainage clauses to be included in all USDOT-assisted contracts with prime contractors and upper-tier subcontractors. Prime contractors and upper tier subcontractors must include BCDCOG's Prompt Payment & Return of Retainage clause without modification in all subcontracts. If the prime contractor or upper tier subcontractor knowingly enters or knowingly allows a subcontractor or lower tier subcontractor to enter into a subcontract without BCDCOG's Prompt Payment & Return or Retainage clause, BCDCOG may apply the appropriate remedies set forth at the end of this section or pursue other available remedies.<sup>32, 33</sup>

BCDCOG's prime contractors must pay its subcontractors for satisfactory performance of their contracts either (1) no later than 30 days from receipt of each payment that BCDCOG makes to the prime contractor or (2) the same number of days for prompt payment as established by SCDOT's DBE program, whichever is fewer. SCDOT requires prime contractors to pay subcontractors within **7 days** of issuance of funds by SCDOT to the prime contractor. In the case of second and third tier subcontractors, the 7-day period begins when the first-tier subcontractor receives payment from the prime contractor or when the second-tier subcontractor receives payment from the first-tier subcontractor.

BCDCOG can establish any of the following mechanisms to ensure **prompt payment**:

- A contract clause that requires prime contractors to include language in their subcontracts that stipulates prime contractors and subcontractors will use appropriate alternative dispute resolution mechanisms to resolve payment disputes. BCDCOG may specify the nature of these mechanisms.
- A contract clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that subcontractors are promptly paid for the work they have performed.
- Other mechanisms consistent with USDOT DBE regulations, State law, and local law.

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<sup>32</sup> [49 CFR 26.29\(a\)](#)

<sup>33</sup> FTA DBE Prompt Payment & Return of Retainage Monitoring Toolkit:  
[https://www.transportation.gov/sites/dot.gov/files/2024-12/FHWA\\_Prompt\\_Payment\\_Toolkit\\_FINAL\\_508.pdf](https://www.transportation.gov/sites/dot.gov/files/2024-12/FHWA_Prompt_Payment_Toolkit_FINAL_508.pdf)

BCDCOG must ensure prompt and full payment of **retainage** from prime contractors to subcontractors within 30 days after the subcontractor's work is satisfactorily completed.<sup>34</sup> USDOT requires BCDCOG to use only one of the following methods:

1. Decline to hold retainage from prime contractors and prohibit prime contractors from holding retainage from subcontractors.
2. Decline to hold retainage from prime contractors and require a contract clause obligating prime contractors to make prompt and full payment of any retainage kept by prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed.
3. **Hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 7 days after your payment to the prime contractor.**

In coordination with SCDOT, BCDCOG will use the **third method** from this list of available methods.

In accordance with SCDOT policies (July 2017), BCDCOG and its contractors may withhold a retainage **up to 5%** of a subcontractor's payment until satisfactory completion of all work items of the subcontract. The prime contractor must release to the subcontractor any retainage withheld within 7 days from the date the prime contractor receives payment from BCDCOG for the last work item of the subcontract or within 7 days from BCDCOG's acceptance of the last work item of the subcontract, whichever is the latest to occur.

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<sup>34</sup> USDOT defines "satisfactorily completed work" as all tasks in the subcontract have been accomplished and documented in accordance with BCDCOG's standards. When BCDCOG makes an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

USDOT expects BCDCOG will proactively monitor and enforce prompt payment and return of retainage requirements. USDOT does not mandate a specific **mechanism for monitoring** prompt payment and return of retainage. Below are potential mechanisms for monitoring:

1. Posting prime contractor payment information on your website, database, or another place accessible to subcontractors to alert subcontractors to the start of the 7-day clock in which they can expect payment for their satisfactorily-performed work during the timeframe. For this system to be effective, USDOT recommends BCDCOG institute an auditing process to ensure full payment was received in a timely manner by subcontractors.
2. Use of an automated system that requires real-time entry of payment to, and receipts by, prime contractors and requires real-time receipt by subcontractors. These systems can assist with proactive compliance by flagging late or non-conforming entries and acceptances.
3. Obtaining notarized certification from the prime contractor that payment was made to subcontractors the previous month before authorizing payment. For this system to be effective, USDOT recommends BCDCOG institute an auditing process to ensure full payment was received in a timely manner by subcontractors.
4. **At project kick-off meetings, review prompt payment and return of retainage provisions with all contractors.**
5. **Every six months or less, proactively document confirmation by phone or email correspondence with subcontractors that they are receiving prompt payments.**
6. **Regularly review BCDCOG contracts for the inclusion of correct prompt payment and return of retainage clauses and remedies.**
7. **Regularly review or audit prime contractor's subcontracts for the inclusion of correct prompt payment and return of retainage clauses and remedies.**
8. **Ensure prime contractors do not withhold payment from a subcontractor to resolve a dispute on a separate contract. Disputes on other contracts must be resolved between the parties in a manner that does not conflict with prompt payment and return of retainage requirements on current contracts.**

BCDCOG will test implementation of methods four through eight.

If there is a subcontract dispute initiated by the prime contractor, the prime contractor may submit a written request to BCDCOG to approve a delay in payment to the subcontractor which shall explain the nature of the dispute and identify relevant subcontract provision as support. The explanation may include those reasons set forth by the SC Prompt Pay Act (SC Code Section 29-6-40). Payment to the subcontractor shall not be withheld without prior, written approval from BCDCOG.

The prime contractor shall submit a status report of the dispute in each monthly progress payment request. The status shall contain justification for the continuation of nonpayment in the form of a certification that the matter is resolved and payment has been issued to the subcontractor or documentation of pending judicial proceedings, Alternative Dispute Resolution process, or administrative proceedings.

Any subcontractor that believes it is due payment in accordance with the Prompt Payment clause may request information from BCDCOG's DBE administrator as to whether and when the payment for the subcontractor's work has been made to the prime contractor. Complaints by subcontractors regarding the prompt payment requirements are handled according to the following procedure:

- If the affected subcontractor is not comfortable contacting the prime contractor directly regarding payment or unable to resolve the payment discrepancies with the prime contractor, the subcontractor should contact BCDCOG's DBE administrator to initiate a complaint.
- If filing a prompt payment complaint with the DBE administrator does not result in timely and meaningful action by BCDCOG to resolve the prompt payment disputes, the affected subcontractor may contact FTA or FHWA for further resolution.

To resolve **disputes** on whether work has been satisfactorily completed, BCDCOG will schedule a joint meeting with personnel authorized to enter into binding agreements for each of the parties involved.

BCDCOG will include in a clause in contracts on the use and process for Alternative Dispute Resolution or other means of resolution. If the work is determined to have been satisfactorily completed, BCDCOG may impose the following **remedies** when a subcontractor is not promptly paid:

- Terminate the contract
- Withhold progress payments
- Assess sanctions
- Impose liquidated damages
- Disqualify the contractor from bidding on future contracts

## Confidentiality

Notwithstanding any provision of Federal or State law, BCDCOG must not release any information that may reasonably be construed as confidential business information to any third party without the written consent of the firm that submitted the information.<sup>35</sup>

Similarly, the identity of complaints shall be kept confidential, at the election of the complainant. If the confidentiality of the complainant will hinder the review proceedings, the complainant must be advised and waive the privilege. Complainants are advised that in some circumstances failure to waive the privilege may result in the closure of the investigation or dismissal of the proceedings.

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<sup>35</sup> [49 CFR 26.109\(a\)\(2\)](#)

## Exemptions (49 CFR Part 26, Subpart A)

BCDCOG can apply for an exemption from any provision of Subpart A of USDOT's DBE requirements (49 CFR Part 26).<sup>36</sup> To apply, BCDCOG must request the exemption in writing from the Office of the Secretary of Transportation. The Secretary will grant the request only if it documents special or exceptional circumstance -, not likely to be generally applicable and not contemplated in connection with the rulemaking - that make BCDCOG's compliance with a specific provision of this part impractical.

## Waivers (49 CFR Part 26, Subparts B and C)

BCDCOG may apply for a waiver of any provision of Subpart B and Subpart C of USDOT's DBE requirements (49 CFR Part 26). Program waivers are for the purpose of authorizing funding recipients to operate a DBE Program that achieves the USDOT's objectives by means that may differ from one or more of the requirements. To apply, BCDCOG must follow these procedures:

- Conduct public participation, including consultation with the DBE community and at least one public hearing
- Apply to the FTA or FHWA with a specific program proposal that includes a summary of the public participation and addresses how BCDCOG will meet the following criteria:
  - Explain a reasonable basis to conclude that BCDCOG will achieve a level of DBE participation consistent with the objectives of this part using different or innovative means other than those provided in Subpart B and C;
  - Explain the conditions within BCDCOG's region that are appropriate for implementing the proposal;
  - Explain how BCDCOG's proposal will prevent discrimination against any individual or group in access to contracting opportunities or other benefits of the program; and
  - Explain how BCDCOG's proposal is consistent with applicable law and program requirements of FTA or FHWA's financial assistance program.

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<sup>36</sup> [49 CFR 26.15\(a\)](#)

## Subcontractor Monitoring

USDOT requires BCDCOG to implement appropriate mechanisms to ensure prime contractors are allocating contractually-obligated work to its DBE subcontractors, DBE subcontractors are performing meaningful work,<sup>37</sup> and DBE subcontractors are performing work for which they have been certified by SCDOT as a DBE to complete.

BCDCOG requires prime contractors and upper tier subcontractors to record and document payments to DBEs for three years following the performance of the contract.

BCDCOG will maintain a database of actual payments made to DBE and non-DBE firms for work committed at the time of award and work completed over the life of the project.

BCDCOG will perform biannual desk audits of contract payments to DBEs. The audits will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals the dollar amount stated in the contract, with respect to return of retainage, and that the timing of the payments is compliant with the prompt payment clause of the contract.

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<sup>37</sup> [49 CFR 26.55\(c\)\(1\)](#)

## Good Faith Efforts

BCDCOG and its contractors cannot be penalized or treated by USDOT as being in noncompliance with its regulations if BCDCOG falls short of its DBE participation targets, unless BCDCOG and its contractors have failed to administer the program in good faith.<sup>38</sup>

It is the responsibility of the bidder to make a portion of the work available to DBE subcontractors and to select those portions of the work consistent with the available DBE subcontractors' abilities. If a prime contractor does not fulfill the commitment made to the DBE firm due to an unexpected circumstance, the contractor must document the reason(s) for the non-performed work. It is at BCDCOG's discretion, using USDOT guidance, to determine if the prime contractor made a good faith effort. BCDCOG will encourage prime contractors to offer the DBE firm other contracting opportunities to compensate for the shortfall as a result of a change order.<sup>39</sup>

BCDCOG's DBE administrator will bring to the attention of SCDOT and USDOT any false, fraudulent, or dishonest conduct in connection with this DBE Program so that USDOT can take action. BCDCOG will consider similar action under its own legal authority, including barring contractors from future contracts.

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<sup>38</sup> [49 CFR 26.47\(a\)](#)

<sup>39</sup> [49 CFR Appendix-A-to-Part-26 IV.D.](#)

## Replacing a DBE on a Contract

A prime contractor's inability to find a replacement DBE at the original price is not sufficient to support a finding that good faith efforts have been made to replace the original DBE. The fact that the contractor has the ability or desire to perform the contract work with its own forces does not relieve the contractor of the obligation to make good faith efforts to find a replacement DBE, and it is not a sound basis for rejecting a prospective replacement DBE's reasonable quote.<sup>40</sup>

BCDCOG requires a prime contractor to obtain prior, written approval for the use of a substitute DBE, to provide copies of new or amended subcontracts, and documentation of good faith efforts. If the prime contractor fails or refuses to comply in the time specified by BCDCOG, BCDCOG may stop all or part of work and payment until satisfactory action has been taken. If the prime contractor still fails to comply, BCDCOG may terminate the contract with the prime contractor.

## Decertification

BCDCOG requires all DBEs to provide a written affidavit documenting changes to the DBE's ability to meet the SCDOT DBE certification requirements.

## Additional Subrecipient Oversight

Of a subrecipient awards more than \$100,000 in USDOT-assisted

For more information on subrecipient monitoring, contact BCDCOG's DBE administrator for access to the following related documents:

- BCDCOG's *Subrecipient Monitoring Procedures for Federal Awards* (April 19, 2017, revised August 25, 2019)
- BCDCOG's *Program Management Plan for Federal Transit Administration Programs* (September 2019).

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<sup>40</sup> [49 CFR Appendix-A-to-Part-26 IV.E.\(2\)](#)

## Appendices

- Appendix A: Policy Statement
- Appendix B: Adopting Resolution
- Appendix C: Organizational Chart
- Appendix D: Uniform Report
- Appendix E: Invoice Template
- Appendix F: Stakeholder Engagement Notes
- Appendix G: BCDCOG FTA DBE Target Setting (FFY 26-28)
- Appendix H: BCDCOG FHWA DBE Target Setting (FFY 26-28)
- Appendix I: Reviewer Checklist

## Appendix A: Policy Statement

BCDCOG established a regional Disadvantaged Business Enterprise (DBE) Program in accordance with 49 CFR Part 26<sup>41</sup> to help ensure that small and disadvantaged businesses have an equal opportunity to participate in and receive USDOT-assisted contracts in the Berkeley-Charleston-Dorchester region of South Carolina.

Below are the seven policies that guide BCDCOG's DBE Program, as established by BCDCOG's Board of Directors:

1. Safeguard against discrimination and promote a level playing field in the award and administration of USDOT-assisted contracts.
2. Narrowly tailor BCDCOG's DBE Program so that it conforms to all applicable laws.
3. Make sure that only firms that meet federal eligibility standards are permitted to participate in the DBE Program.
4. Identify and develop a good rapport with eligible small and disadvantaged businesses that can provide BCDCOG with required materials, equipment, supplies, and services.
5. Develop educational materials to acquaint prospective small and disadvantaged businesses with BCDCOG's contract procedures and requirements.
6. Listen to feedback and remove barriers to participation of small and disadvantaged businesses during the bid, award, and administration of USDOT-assisted contracts.
7. Assist in the development of small and disadvantaged businesses so that they can compete successfully outside of BCDCOG's DBE Program.

These policies will be circulated to all BCDCOG personnel, as well as potential prime contractors and subcontractors within relevant fields of work. BCDCOG's Board of Directors expect all BCDCOG personnel will adhere to the spirit, provisions, and procedures of these policies. BCDCOG's executive director is responsible for ensuring adherence to these policies. BCDCOG's DBE administrator is responsible for coordinating with departmental directors to develop, implement, and monitor the DBE Program in accordance with these policies.

BCDCOG's DBE Program and triennial goals are available for review online and at BCDCOG's office (5790 Casper Padgett Dr, North Charleston, SC 29406). Questions and requests for further information can be sent to BCDCOG's DBE Administrator at 843-529-0400.



Ronald E. Mitchum, executive director  
BCDCOG



Date

<sup>41</sup> [49 CFR Part 26](#) (created February 2, 1999; last amended July 3, 2024)

## Appendix B: Adopting Resolution

### Berkeley-Charleston-Dorchester Council of Governments (BCDCOG)

#### RESOLUTION

Adopting the Disadvantaged Business Enterprise Program & Triennial Goal (DBE)

**WHEREAS**, agencies receiving Federal-aid highway funds and federal transit funds authorized by Divisions A and C of the Bipartisan Infrastructure Law (BIL) and its predecessor legislation must adopt a DBE Program and establish a triennial target;

**WHEREAS**, BCDCOG supplements its programs and activities with Federal-aid highway funds and transit funds by Divisions A and C of the Bipartisan Infrastructure Law (BIL) and its predecessor legislation;

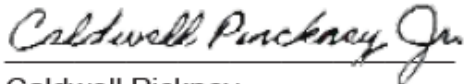
**WHEREAS**, BCDCOG's DBE program and triennial goal are compliant with 49 CFR Part 26;

**WHEREAS**, BCDCOG seeks to remove barriers to participate and receive USDOT-assisted contracts in the Berkeley-Charleston-Dorchester region of South Carolina; and

**WHEREAS**, BCDCOG established a policy to provide all programs and services without prejudice on the basis of race, color, sex, or national origin;

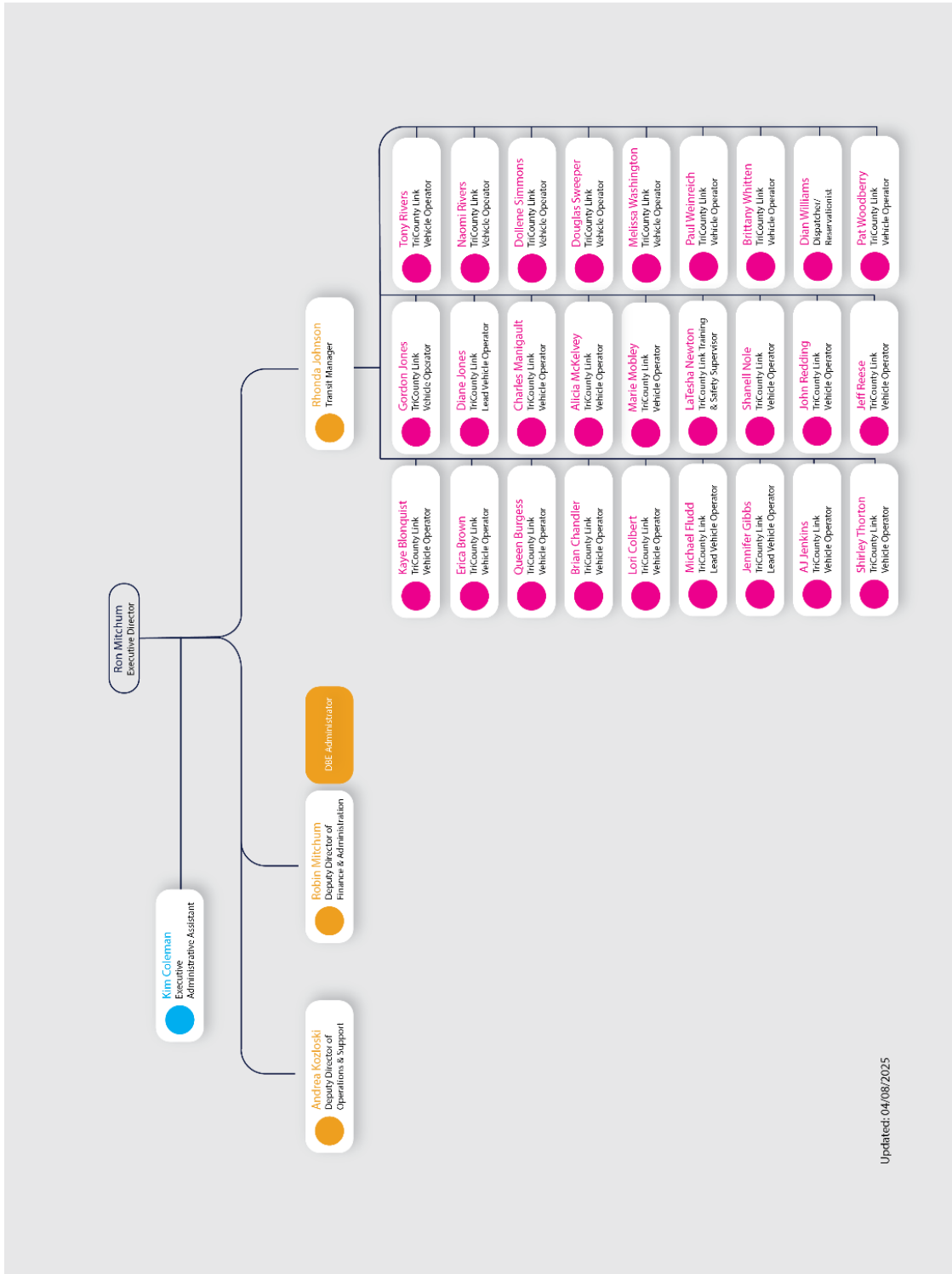
**THEREFORE, BE IT RESOLVED:** BCDCOG's Board of Directors hereby approves the DBE Program and triennial goal.

**PASSED & ADOPTED** this 21st day of April 2025.

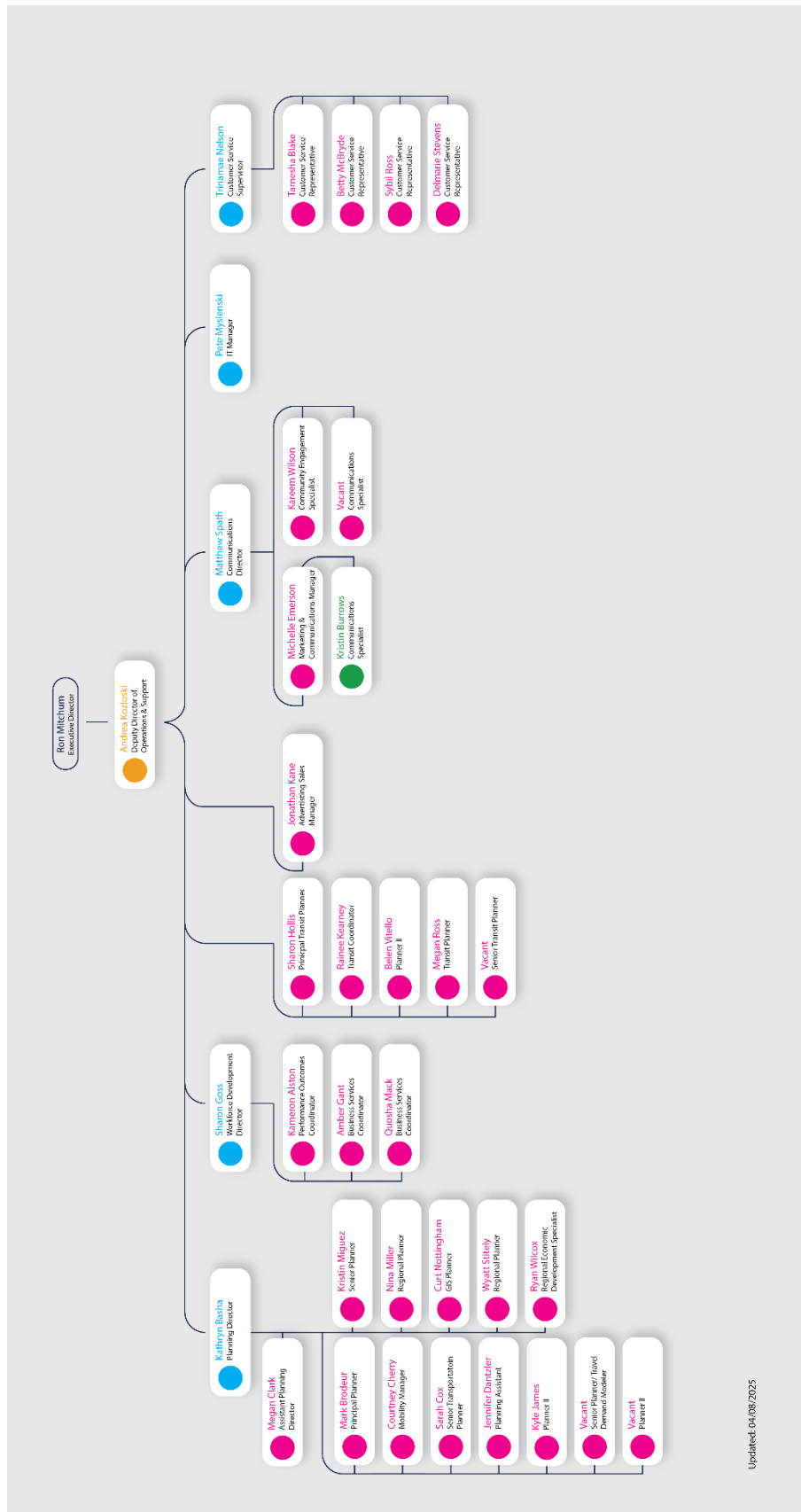


Caldwell Pickney  
Chair, BCDCOG Board of Directors

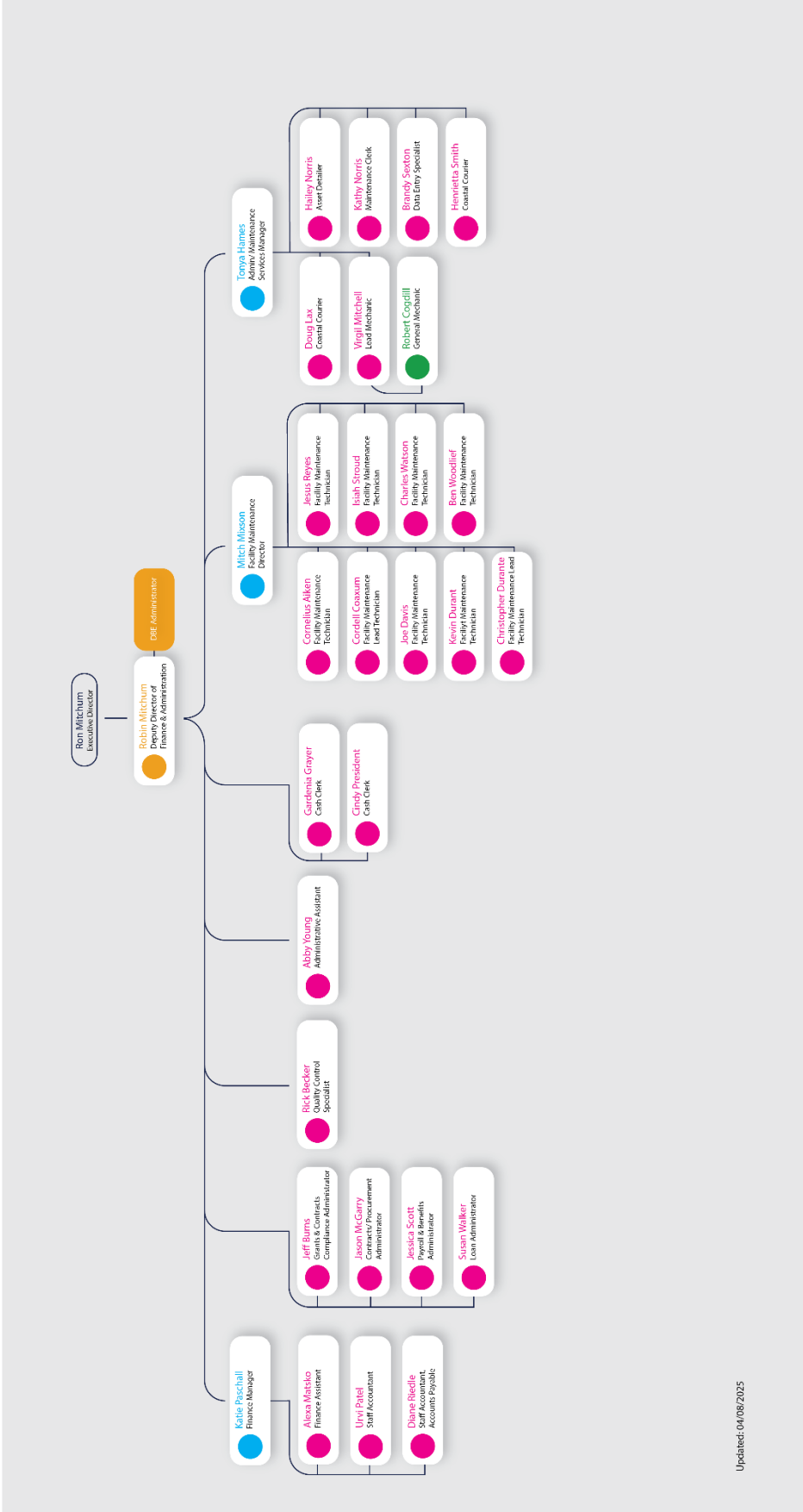
# Appendix C: Organizational Chart



Updated: 04/08/2025



Updated: 04/08/2025



Updated: 04/08/2025

# Appendix D: Uniform Report

## General Reporting

<b>UNIFORM REPORT OF DBE COMMITMENTS/AWARDS AND PAYMENTS</b>	
*Please refer to the instructions sheet for directions on filling out this form**	
1 Submitted to (check only one):	<input type="checkbox"/> FRVA <input type="checkbox"/> FAA <input type="checkbox"/> FTA—Recipient ID Number
2 AIP Numbers (FAA Recipients), Grant Number (FTA Recipients):	
3 Federal fiscal year in which reporting period falls:	
4 Reporting Period:	<input type="checkbox"/> Report due June 1 (for period Oct 1-Mar 31) <input type="checkbox"/> Report due Dec 1 (for period April 1-Sept 30) <input type="checkbox"/> FAA annual report due Dec 1
5 Name and address of Recipient:	
6 Annual DBE Goal(s):	Race Conscious Projection: OVERALL Goal
	Race Neutral Projection

### Awards/Commitments this Reporting Period

	A	B	C	D	E	F	G	H	I
	Total Dollars	Total Number	Total to DBEs (dollars)	Total to DBEs (number)	Total to DBEs /Race Conscious (dollars)	Total to DBEs/Race Conscious (number)	Total to DBEs/Race Neutral (dollars)	Total to DBEs/Race Neutral (number)	Percentage of total dollars to DBEs
<b>A AWARDS/COMMITMENTS MADE DURING THIS REPORTING PERIOD</b> (total contracts and subcontracts committed during this reporting period)									
8 Prime contracts awarded this period									
9 Subcontracts awarded/committed this period									
10 TOTAL									

### BREAKDOWN BY ETHNICITY & GENDER

	A		B		C		D		E		F	
	Women	Men	Women	Men	Total	Women	Men	Total	Men	Women	Total	
11 Black American												
12 Hispanic American												
13 Native American												
14 Asian-Pacific American												
15 Subcontinent Asian Americans												
16 Non-Minority												
17 TOTAL												

### Payments Made this Period

	A	B	C	D	E	F
	Total Number of Contracts	Total Dollars Paid	Total Number of Contracts with DBEs	Total Payments to DBE firms	Total Number of DBE firms Paid	Percent to DBEs
<b>C PAYMENTS ON ONGOING CONTRACTS</b> (report activity of ongoing contracts)						
18 Prime and sub contracts currently in progress						

	A	B	C	D	E	F
	Number of Contracts Completed	Total Dollar Value of Contracts Completed	DBE Participation Needed to Meet Goal (Dollars)	Total DBE Participation (Dollars)	Total DBE Participation (Dollars)	Percent to DBEs
<b>D TOTAL PAYMENTS ON CONTRACTS COMPLETED THIS REPORTING PERIOD</b>						
19 Race Conscious						
20 Race Neutral						
21 Totals						
22 Submitted By:						25. Phone Number:
	24. Signature:					

# Appendix E: Invoice Template

## CONTRACTOR LETTERHEAD

### Sample Prime Contractor Invoice for Professional Services

Contractor's Name: [Insert name of organization]  
Contractor's Address: [Insert address of organization]

BCDCOG's Name: Berkeley-Charleston-Dorchester Council of Governments  
Attn: [Insert name of BCDCOG project manager]  
BCDCOG's Address: 5790 Casper Padgett Way  
North Charleston, SC 29405

Project Name: [Insert name of project]  
Contractor's Project Manager: [Insert name of contractor's project manager]  
Accounts Receivable Contact: [Insert contact name for questions related to this invoice]  
Accounts Receivable Email: [Insert email address for questions related to this invoice]  
Accounts Receivable Phone: [Insert email address for questions related to this invoice]  
DBE Status: [Note if organization is SCDOT-accredited DBE or DWBE]

Invoice Number: [Insert sequential number]  
Invoice Period: [Insert begin and end date for work completed on invoice]  
Invoice Date: [Insert date on which invoice was submitted to BCDCOG]  
Invoice Amount: [Insert total dollar amount on this invoice]  
Contract Type: [Lump sum, unit price, cost plus, guaranteed max., design-build, etc.]

Project Name: [Insert name of project]  
 Invoice Number: [Insert sequential number]  
 Invoice Period: [Insert begin and end date for work completed on invoice]  
 Invoice Date: [Insert date on which invoice was submitted to BCDCOG]  
 Invoice Amount: [Insert total dollar amount on this invoice]

Task	Contract Amount	Amount Earned To Date	Previous Amount Invoiced	Balance Paid through Current Invoice	Current Amount Due
<b>Task 01: [Task Name]</b>					
Prime Contractor					
Subcontractor #01					
Subcontractor #02					
Subcontractor #03					
Subcontractor #04					
Subcontractor #05					
<b>Task 02: [Task Name]</b>					
Prime Contractor					
Subcontractor #01					
Subcontractor #02					
Subcontractor #03					
Subcontractor #04					
Subcontractor #05					
<b>Subtotal Labor</b>					
<b>Direct Costs</b>					
Vendor					
Vendor					
Vendor					
<b>Subtotal Direct Costs</b>					
<b>Total</b>					

Total Invoice: [Insert total dollar amount on this invoice]

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**[At the discretion of the BCDCOG's Project Manager] Labor Backup Report**

Project Name: [Insert name of project]  
 Invoice Number: [Insert sequential number]  
 Invoice Period: [Insert begin and end date for work completed on invoice]  
 Invoice Date: [Insert date on which invoice was submitted to BCDCOG]  
 Invoice Amount: [Insert total dollar amount on this invoice]

**Task 01: [Insert Task Name]**

Employee	Date	Hours	Description	Cost	Multiplier	Amount
[Insert Employee #01 Name]				\$0.00		\$0.00
Employee #01 Total				\$0.00		\$0.00
[Insert Employee #02 Name]				\$0.00		\$0.00
Employee #02 Total				\$0.00		\$0.00
[Insert Employee #03 Name]				\$0.00		\$0.00
Employee #03 Total				\$0.00		\$0.00
[Insert Employee #04 Name]				\$0.00		\$0.00
Employee #04 Total				\$0.00		\$0.00
[Insert Employee #05 Name]				\$0.00		\$0.00
Employee #05 Total				\$0.00		\$0.00
<b>Task #01 Total</b>						<b>\$0.00</b>

**Task 02: [Insert Task Name]**

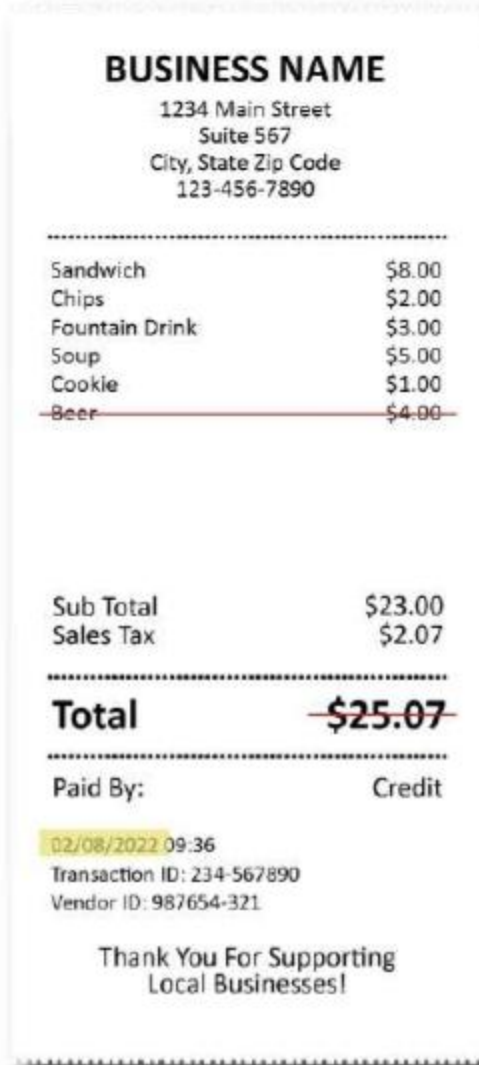
Employee	Date	Hours	Description	Cost	Multiplier	Amount
[Insert Employee #01 Name]				\$0.00		\$0.00
Employee #01 Total				\$0.00		\$0.00
[Insert Employee #02 Name]				\$0.00		\$0.00
Employee #02 Total				\$0.00		\$0.00
[Insert Employee #03 Name]				\$0.00		\$0.00
Employee #03 Total				\$0.00		\$0.00
[Insert Employee #04 Name]				\$0.00		\$0.00
Employee #04 Total				\$0.00		\$0.00
[Insert Employee #05 Name]				\$0.00		\$0.00
Employee #05 Total				\$0.00		\$0.00
<b>Task #02 Total</b>						<b>\$0.00</b>

**Direct Costs**

Date: [Insert date of receipt]

Amount: [Insert total dollar amount on receipt]

[Insert photo of receipt(s)]



Note: Alcohol is not an allowable expense

\$20.71

**Progress Report**

Project Name: [Insert name of project]  
Invoice Number: [Insert sequential number]  
Invoice Period: [Insert begin and end date for work completed on invoice]  
Invoice Date: [Insert date on which invoice was submitted to BCDCOG]  
Invoice Amount: [Insert total dollar amount on this invoice]

Task 01: [Insert Task Name]

Date	Milestone	Description

Task 02: [Insert Task Name]

Date	Milestone	Description

# CONTRACTOR LETTERHEAD

## Sample Subcontractor Invoice for Professional Services

Project Name: [Insert name of project]  
 Contractor's Project Manager: [Insert name of contractor's project manager]  
 Accounts Receivable Contact: [Insert contact name for questions related to this invoice]  
 Accounts Receivable Email: [Insert email address for questions related to this invoice]  
 Accounts Receivable Phone: [Insert email address for questions related to this invoice]  
 DBE Status: [Note if organization is SCDOT-accredited DBE or DWBE]

Invoice Number: [Insert sequential number]  
 Invoice Period: [Insert begin and end date for work completed on invoice]  
 Invoice Date: [Insert date on which invoice was submitted to BCDCOG]  
 Invoice Amount: [Insert total dollar amount on this invoice]  
 Contract Type: [Lump sum, unit price, cost plus, guaranteed max., design-build, etc.]

Task	Contract Amount	Amount Earned To Date	Previous Amount Invoiced	Balance Paid through Current Invoice	Current Amount Due
Task 01: [Task Name]					
Task 02: [Task Name]					
Subtotal Labor					
Direct Costs					
Vendor					
Vendor					
Vendor					
Subtotal Direct Costs					
<b>Total</b>					

Total Invoice: [Insert total dollar amount on this invoice]

[At the discretion of the BCDCOG's Project Manager] Labor Backup Report

Task 01: [Insert Task Name]

Employee	Date	Hours	Description	Cost	Multiplier	Amount
[Insert Employee #01 Name]				\$0.00		\$0.00
Employee #01 Total				\$0.00		\$0.00
[Insert Employee #02 Name]				\$0.00		\$0.00
Employee #02 Total				\$0.00		\$0.00
Task #01 Total						\$0.00

Task 02: [Insert Task Name]

Employee	Date	Hours	Description	Cost	Multiplier	Amount
[Insert Employee #01 Name]				\$0.00		\$0.00
Employee #01 Total				\$0.00		\$0.00
[Insert Employee #02 Name]				\$0.00		\$0.00
Employee #02 Total				\$0.00		\$0.00
Task #02 Total						\$0.00

Direct Costs

Date: [Insert date of receipt]

Amount: [Insert total dollar amount on receipt(s)]



Note: Alcohol is not an allowable expense

\$25.07

**Progress Report**

Task 01: [Insert Task Name]

Date	Milestone	Description

Task 02: [Insert Task Name]

Date	Milestone	Description

## Appendix F: Stakeholder Engagement Notes

### Public Agency

1. Marjillette Brown (Carolinas-Virginia Minority Supplier Development Council)
2. Anthony Cromartie (SCDOT)
3. Kristen Lanier (Berkeley County)
4. Daniel Young (South Carolina Department of Commerce)
5. Darrell Williams (Charleston County)
6. Ruth Jordan (City of Charleston)
7. Beth Barner (USDOT Mid-South Atlantic Region Small Bus. Transition Resource Group)
8. Delicia Wingard + Barbara Beagles (SCDOT)
9. Michelle McDonald (Dorchester County)
10. Gary Linn (SCDOT)
11. Denise Badillo (City of North Charleston)
12. Greg Davis (SCDOT)
13. Karel Givens (Charleston County Aviation Authority)

### Economic or Small/Minority Business Advocate

14. Raquel Padgett (Lowcountry Local First + Economic Continuity Alliance)
15. Melissa Barker (Women Entrepreneurs, Inc.)
16. Brent Jonas (Charleston Regional Development Alliance)
17. Rita Berry (Greater Summerville/ Dorchester County Chamber of Commerce)
18. Brandi Parrish Ellison (WREN)
19. Alan Thompson (North Charleston Chamber of Commerce)
20. Rebecca Imholz (Mt. Pleasant Chamber of Commerce)
21. Lane Morgan (Berkeley Chamber of Commerce)
22. Richard Waring (Charleston Metro Chamber of Commerce)
23. Donald McCutcheon (Black Contractors Association of the Carolinas)
24. Herbert Drayton (Strategic Thinking Group)

### Business

25. Miguel Rosales (Rosales & Associates)
26. Yinghua Zhan (Modern Mobility Partners)
27. Virgil Wade (Dream Team Construction)
28. Frank Ancrum (Hard Hat TDL)
29. Jingshesh Patel (NITI Systems Consultants, Inc.)
30. Mushtaqur Rahman (Baseline Mobility Group)
31. Liz Carpenter (E. Haselden & Associates)
32. Juan Ortega (JFO Group)
33. Richard Easley (E-Squared)
34. Jennifer Bihl (Bihl Engineering)
35. Dipak Patel (Dad N Associates)
36. Inga Kennedy (PEQ, Inc.)
37. Samuel Trotman (Spectrum Haven)

## Public Agency

Marjilette Brown

Director of Certification

[National Minority Supplier Development Council/](#)  
[Carolinas-Virginia Minority Supplier Development Council](#)

7/13/2022 (2:00 PM – 2:15 PM)

### Background

- Cover NC, SC, and southern VA

### Programs/Partnerships

- [Resource: Kellogg](#)
  - Prestigious development program (but many restrictions for participation)
  - Provide scholarships
- [Resource: Sunoco Leadership Academy](#)
  - Started by CVMSDC; focused on business development
  - Partner with Women Business Center
  - Last cycle had 18 firms
  - Next cycle launches in November
- [Resource: University of Richmond Executive Business Program](#)
  - Shared schedule of topics from Fall 2021
  - Started by CVMSDC
  - Have to be a certified MBE
  - Provide scholarships, each business sponsored by a corporation
  - \$5,000 scholarship (everything but travel)
  - Corporations serve as mentors; stay in contact after program concludes
  - Program taught by professors
  - Last year was virtual; held week long intensive courses
- [Resource: Catapult Program with Capital One](#)
  - Do not have to be a certified MBE to participate
- [Resource: Chase Bank grants](#)
- [Resource: VA MBDA Office grants](#)
- [Resource: WE Bank for certified women-owned businesses](#)
- Thinks that there's a LGBTQ certification

### Referral

- [MBDA of SC](#)

## Background

- Division of Minority and Small Business Affairs

## Challenges

- Biggest issue is building more relationships since primes will more often hire firms they're comfortable with

## Existing Support/Proposed Strategies

- Tries to make certification as straightforward as possible by having an analyst let firms know what they need.
- Doesn't recommend paying someone else to fill it out
- Provides notarized statement of financial standing
- Multiple classes are available for certified DBEs 3 times a month, virtual, hybrid, or in person
  - Regular classes include CDC Training and engineering software
  - bonding/insurance
  - business credit
  - basic work zone
  - Flagger training
  - OSHA
  - Responsive to RFP
  - Sediment/erosion certification
  - Microsoft Offices
  - Estimating/bidding
  - Constructing local matters
  - Quickbook training
- Reimburses outside training up to \$1,500 if those who took the class remain in good standing for 2 years
- BCDCOG can be added to the listserv to stay informed about upcoming classes
- Outreach events where DBEs can meet with short listed primes
  - Share capability statements
  - Locate in the community where the projects are
  - 4-7 PM
  - Primes present and then go into break rooms ("speed dating" with firms)
- **Resources: State MB Certification Office, SC Commerce, State Procurement Office**

Kristen Lanier

Berkeley County

7/12/2022 (10:00 AM – 10:15 AM)

**Background**

- Berkeley County Economic Division
- Focused on industrial development, but hoping to explore small businesses and rural commercial development
- Doesn't have a DBE program, but works with outside advocacy groups that do focus on those types of businesses
- No set goals, but maybe something considered in the comprehensive plan

**Proposed Strategies**

- Department working on a strategic plan, creating a framework that includes smaller businesses. Planning to do outreach, and will take 18-24 months to complete
- Was contacted by women/minority businesses in Moncks Corner regarding grants
- Used libraries like St. Stephen were the front lines for sharing resources
- Berkeley Chamber was working on programs with the Small Business Association
  - Action: Check to see how successful they've been
- Moncks Corner is recruiting a new business representative
- Hanahan's mayor has been focused on small business development

Daniel Young

South Carolina Department of Commerce

7/6/2022 (9:15 AM – 9:30 AM)

### **Background**

- Director of Business Incentives and Commercial Development
- No DBE program, focused on working with “quality companies”

### **Strategies**

- Resource: Greg Davis, SCDOT (State Chamber?)
- Working on their first strategic plan
  - Trying to bring in more white-collar jobs
  - Promote higher end jobs
  - Retain SC youth in the state
  - Maintain our position with automakers (E.V. changeover)
- Resources: Greg Davis, SCDOT, and maybe the State Chamber

Darrell Williams

Charleston County

7/6/2022 (9:30 Am – 9:45 AM)

### **Background**

- DBE marketing
- Program for both DBEs and SBEs (race and gender-neutral small businesses) certified through the county
  - To replace an SBE on a project requires an official letter
- Aspirational goal of 20% DBE participation on government contracts, and SBE goals are set by the council
- Business to Government (formerly “BZG”) program that involves subcontractors

### **Challenges**

- Barriers include contract size, access to capital, and capacity building
- Some don't have necessary certification
- To change an SBE on a project requires an official letter
- SCDOT certification has become more stringent

### **Proposed/Existing Strategies**

- Can do a presentation on how to do business with BCDCOG once per year as well with major projects
- Networking meet and greet with prime contractors
- Networking expos that salute to small businesses
- Have classes on doing business with the county including a bonding class
- DBE website has classes
- County can help find replacement SBEs when they change
- County can help with the SCDOT paperwork
- Send any solicitations to all
- [Resource: Raquel Padgett with Lowcountry Local 1st](#)

Ruth Jordan

City of Charleston

7/11/2022 (10:30 AM – 10:50 AM)

### **Background**

- Office of Women and Minority Businesses
- Maintains a registry of businesses and encourages

### **Proposed Strategies**

- Focus on Transdev
- Rewrite the language to make it requirement for Transdev to provide a list of who they reached out to. If not, put them in contracts
- City can share opportunities through their system
- Government contracts ensure contractors get paid in a timely manner
- Primes shouldn't have to "pay when paid." It's bad publicity for the city, and not proactive outside of a boilerplate
- [Resource: Darrell Williams](#)
- Cross registration of businesses wouldn't be difficult and would help keep businesses certified

Beth Barner

USDOT Mid-South Atlantic Region Small Business Transition Resource Group

7/8/2022 (4:00 PM – 4:15 PM)

### **Background**

- Project coordinator
- Mid Atlantic Region SBTRC hosted by the Greater Atlanta Economic Alliance

### **Technical Assistance/Small Business Support**

- WITI (Women & Girls in Transportation Initiative)
- Summer Transportation Institute (STIs)
- 1 in 6 jobs provided are transportation related
- Works with HBCUs including SC State (Orangeburg, SC), Benedict College (Columbia, SC), and other schools in Atlanta for Summer Internship placements hosted by Transportation Agencies
  - SC State and Benedict have smaller programs
- Subcontractor workshops facilitated by outside groups that teach construction accounting, how to be bundle-able, and how to be “ready, willing, & able”
- Make recommendations about what firms are available
- Capital access & surety bond assistance
- Build relationships with community banks, CDFIs, and credit unions
  - Note: Needed because big banks have high fees and are less interested in small loans

Delicia Wingard + Barbara Beagles

SCDOT

7/8/2022 (10:00 AM – 10:15 AM)

### **Background**

- Civil Rights Office
- Certifies DBEs and SBEs
- Reviews applications by analyst
- Makes recommendations, and occasionally appeals
- On site visits
- Must submit annual update form

### **Certification**

- Owner must be of a socially and economically disadvantaged background
- Cap of \$1.32 million net worth (not including gross receipts)
- Owner must be independent
- By federal law, cannot assist with application
- While no one seems to have challenges with the certification forms, receiving update forms are more of a problem
- The update forms require info on ownership, equipment, address, business tax return, gross receipts which can't exceed set N.A.I.C.S., and net worth (affidavit)
- For update forms, give 45 days' notice before they're due April 15<sup>th</sup>. A letter of suspension is sent May 1<sup>st</sup> which gives an extension before the business would be decertified. There is an internal appeals process with a panel where the business can argue for why they were wrongly decertified

### **Challenges**

- While SCDOT sets goals for Federally funded projects, state law prohibits setting goals on state projects
- Prime contractors routinely use the same DBE firms

### **Proposed Strategies**

- When DBEs bid as sub-contractors, already provide hands on assistance, encouragement and training, including informing the firms how to bid with a prime, how to find projects, etc.
- **Action: Make a training calendar**
- **Resources: Charleston County Procurement Office (<https://procurement.sc.gov/>) and the Division of Small and Minority Business Contracting and Certification (SMBCC) (<http://osmba.sc.gov/>)**
- **Resource: Carolyn Burton (DBE Quarterly Reporting) for goal setting**

Michelle McDonald

Dorchester County

7/7/2022 (3:00 PM – 3:15 PM)

### **Background**

- Deputy Director of Economic Development
- Used to be with the C.O.A under the W.I.O.A

### **Challenges**

- Dorchester County currently has no programs that particularly target small businesses
- In need of resources and labor
- **Action: Share DBE resources via email**
- **Resource: Sandy Price at the Tri-county Regional Chamber of Commerce** ([sprice@tri-crcc.com](mailto:sprice@tri-crcc.com)) (843-563-8187). Also look into Summerville Chamber

### **Proposed Strategy**

- Have an “industry update”

Gary Linn

SCDOT

7/7/2022 (12:30 PM – 1:00 PM)

### **Background**

- Division of Minority and Small Business Affairs
- Mega Projects (\$500 million +)
- SCDOT compliance and technical assistance
- On the FHWA side
- 15 years of work, previously with compliance

### **DBE Participation**

- SCDOT reports LPA DBE participation
- SCDOT puts contract DBE goals on many contracts unless they know there are no DBEs in that field. Primes are required to meet the goal requirements at the time of the bid
- **Action: Jeff Burns to share federal language with Mr. Linn**
- S.K.E.B.O is a bid advertising service
- **Action: Add us to the list to see how others bid**
- Talking/teaching primes on how to identify and move forward with new DBEs
- “DBE 101” – next session is in September
- **Action: Invite Jason to the above session**
- Anthony Cromartie does the training

### **Proposed Strategies**

- Let DBE Office know about Bids in advance (30-45 days out)
- Round table discussion and outreach event for goal setting
- **Action: Have Gary help with the wording of the outreach event**
- SCDOT can help put together a “capability statement” for the event
- Can also involve SBEs (Small Business Enterprises) which are gender and race neutral
- Put name and business in chat window on virtual calls
- Have break out rooms for primes to meet with subs
- **Resource: Talk to Caroline Bunton about goal setting (Columbia DBE)**
- **Action: Follow up with Mark Pleasant**
- Make the DBE clause mandatory?
- FHWA has a goal for DBEs to make up 12% of contracts
- Gary can help on individual project goal setting

Denise Badillo

City of North Charleston

7/17/22 (11:15 AM – 11:50 AM)

### **Background**

- Right before COVID, began focusing on small, minority & disadvantaged businesses
- Program structured towards really small businesses (\$500 thousand cap) compared to what Charleston County and the City of Charleston do (\$7 million cap)

### **Challenges**

- No Set DBE Goals
- So far, mostly small crews of electrical, catering and hauling workers are involved
- Requires all contractors to show good faith before giving a list of DBEs to contact (monitoring through pay apps)
- Existing program is not robust
- Getting DBEs to sign up as a vendor in North Charleston is difficult, and some businesses are worried about being registered with the government
- Need DBEs to sign up under the right category
- Email is required, and some businesses aren't as tech savvy
- Though the process is simple, there's tax documentation that needs to be filled out

### **Proposed Strategies**

- Can waive certain insurance requirements (can't waive licensing)
- Already provide technical assistance in person
- **Resource:** Robin Barrott (City of Charleston)
- **Action:** Check Charleston County website

Greg Davis

SCDOT

Division Director of Minority & Small Business Affairs

7/6/2022 (3:30 PM – 3:45 PM)

**Small/minority business program**

- Tri-annual review which is a 12–14-month process
- 1 meeting per region
- Determines number of ready, willing, and able firms
- Set goal
  - 4.5% FTA
  - 12% FWHA
  - Thinks MPOs adopt SCDOT's goals
- No flexibility on certification, but gives technical assistance and the check list encourages firms to contract SCDOT for help
- Interstate certification allows SCDOT to get paperwork from another state, and this way SCDOT can skip the site visit

**Challenges**

- Primes stick with contractors they're used to
  - BCDCOG's selection criteria on proposals contributes to this

**Proposed Strategies**

- Encourage new DBEs to work with existing DBEs, reach out to out-of-state firms, and develop relationships
- Remind primes of DBE goals and that SCDOT is available to help and match-make
- Can hold events with breakout rooms for primes
- "Plan holders list" to share with DBEs
- DBE training calendar
- DBE training tuition assistance program
- DBE technical assistance and compliance unit
- Potential plan holders' list
- Resources: [Barbara Beagle \(helps prior to certification\)](#), [Gary Linn](#), and [Anthony Cromartie \(Business Development Center\)](#). [Check website](#)
- Business Development Center offers many classes
  - Bidding/estimating (4-6 sessions)
  - How to find work
- Intake session after certification
- DBE Technical Assistance Team provides access to capital to buy materials; helps with bonding
  - Inspections to make sure projects are done to specifications and to help with staging
- If, for example, primes are looking for erosion control, SCDOT can help landscapers to find certification with tuition reimbursement for classes of up to \$1,400/year
- Provides assistance with marketing materials

Karel Givens

Charleston County Aviation Authority

7/6/22 (11:30AM – 11:45 Am)

### **Background**

- DBE Liaison
- Started Feb. 14, 2022 and is still getting used to the job
- DBE goal set at 10.1%

### **Challenges**

- FAA is getting more stringent
- Airport tenant rental cars/concessions have come in under goal
  - Setbacks due to COVID
  - Hard to find certified suppliers
  - Only 2 certified mechanics there

### **Proposed Strategies**

- Work with tech. schools to develop programs
- **Action: Share Trident contact info, specifically for mechanics on rental cars**
- “BZG Now” facilitates diversity vendor registration
  - Encourage vendors to sign up on website and notify them of opportunities
- Go to match-making events such as the National Airport Conference held every year and bring everyone together
- **Action: Invite SCDOT to share with vendors**
- **Resource: Rodney Washington (SCDOT)**
- Current program to address issues: kiosks at airport for women and minority businesses (unique to Charleston)

## Economic or Small Business Advocate

Raquel Padgett

Good Enterprise Program Director / Executive Director

[Lowcountry Local First](#) / [Economic Continuity Alliance](#)

7/20/2022 (3:00 PM – 3:45 PM)

### Background

- 3 years at Lowcountry Local First
- 15 total years of experience working with WMBEs and MBEs
- Operates separate non-profit called Economic Continuity Alliance
  - Works directly with MBEs (many are not certified with SCDOT)
  - Did not charge membership fee during COVID-19 pandemic
  - Focused on improving buyer/supplier diversity, matchmaking, and organizational DE&I
  - **Action:** R. Padgett to share link to website
  - **Resource:** Can help procurement find “ready, willing, and able” MBEs

### Panel Discussion

- R. Padgett plans to organize a panel discussion of MBEs and procurement officials this fall
- The panel would discuss, in part, contracting at the federal level and down
  - **Action:** R. Padgett to share dates/times during week of 7/25/2022 for visit to see if large conference room would be a good venue for panel discussion

### Challenges

- R. Padgett hears from MBEs that there are some problematic agencies in our region
  - Accountability is the main issue
  - There is a lack of data tracking
- Most agencies don't have staff focused on DE&I within their organization
- Most agencies don't consider MBE participation in their contracting process
  - Some just say that they can't find an eligible firm that's “ready, willing, and able”
  - It would be helpful to have a centralized database of available firms
  - **Concept:** Consider developing an Angie's List for certified DBEs
- Supply chain issues during COVID-19 pandemic have affected the performance of MBEs
  - Leading to larger firms cutting corners and leading to lay-offs
- Lots of under-the-table/back door deals that are excluding MBEs [ex. of gender discrimination]
- Larger firms have greater capacity (although they might not have greater expertise)
  - MBEs need advance notice in the contracting process
  - MBEs need procurement departments to help level the playing field
    - **Concept:** Break larger contracts into smaller contracts
    - **Concept:** Have multiple MBEs join up in a Joint Venture
- Past performance is a barrier
- Withholding payment can kill a small business

- Unrealistic change orders set MBEs up to fail
- Bonding limits are often too high

### Referral

- R. Padgett to share contact information on group (maybe CCSD) that conducted two-hour MBE-related interview

Melissa Barker

Founder/CEO

[Women Entrepreneurs, Inc.](#) (WE, Inc.)

7/15/2022 (10:30 AM – 10:45 AM)

### Mission

- Help to give female entrepreneurs an edge/an “in”

### Background

- M. Barker created WE, Inc. out of her personal struggle to start a business in our region
- Existing groups were mostly focused on networking, and M. Barker wanted to go beyond that
- Started WE, Inc. in 2017 with 25 members, based on Charleston
- Now covers 40 industries and 9 countries
- Focused on female business visibility, grants, press, and speaker opportunities

### Challenges

- Maintaining cash flow is a major challenge for a small business
  - The cost of software, licenses, bookkeeping, web services, legal counsel, and retaining talent adds up
    - [Resource: Discounted small business loan program \(brokered on an indiv. basis\)](#)
- Certification is messy
  - City of Charleston lost Ms. Barker’s paperwork
  - Seems like lots of hurdles for little payoff
  - Need to be able to communicate the benefits of getting certified
  - Help make us feel like we have a shot [of getting business through certification]
  - The database is clunky
  - Businesses don’t know where to look for opportunities
  - WE, Inc. has Ruth Jordan as a speaker once per year
  - She gives an overview of what’s available out there
  - She will follow up with a one pager
- Need programming to help build up small/minority/women owned businesses
  - [Concept: Provide more detailed feedback on why a team wasn’t selected for an RFP](#)
  - [Resource: WE, Inc. can partner with public agencies by providing communication coaches](#)

Brent Jonas

Director of stakeholder relations

[Charleston Regional Development Alliance](#) (CRDA)

7/14/2022 (1:30 PM - 1:45 PM)

### **Background**

- Recruit companies/talent to Charleston through marketing (only)
- Do not distinguish between small/minority/women-owned; treat everyone the same
- Industry focus:
  - Supply chain
  - Aerospace
  - Automotive
  - Life science (medial device, tech., IT, etc.)

### **Referral**

- **General Hank Taylor**
  - Chaired the One Region for awhile
  - Leads the Strategic Thinking Group (made up of minority groups)
  - Helps to identify people of color to serve on boards
  - Helps to connect with larger/national groups (ex. venture capitalists)

Rita Berry

President/CEO

[Greater Summerville/ Dorchester County Chamber of Commerce](#)

7/13/2022 (10:00 AM – 10:20 AM)

### **Challenges**

- No certification through the Chamber, and don't track MWBEs (admitted they probably should)
- Strategic plan doesn't currently call out DE&I

### **Proposed Strategies**

- Could share info via state small/minority owned (groups?)
- Updating strategic plan
- Robust non-profit council group that meets once a month on a Thursday
- Opportunity for BCDCOG to present
- Good about sharing info and could do an email blast
- Even though they haven't heard of any challenges from DBEs, they could dig up some resources if asked
- Resources
  - Dorothea Bernique at Increasing HOPE Financial Training Center
  - Doors to Freedom
  - My Sister's House
  - Habitat For Humanity
  - Foster Care
  - Meals on Wheels
  - Senior Center
  - Better Health Network
  - Lighthouse for the Blind

Brandi Parrish Ellison

WREN

7/11/2022 (1:30 PM – 1:45 PM)

### **Background**

- Policy advocacy group
- Educates about gender disparities
- Coalition building with other groups
  - Economic concerns include access to childcare and D.O.I. webinars
- Database of 40 thousand people
  - Mobilize to county legislators
- Community work with legal justice organizations, Benedict College, and many others
- Power Up series focuses on gender equity in the workforce, the wage gap, wealth gap, the role of women in the economy, and how to engage women

### **Proposed Strategies**

- Public agencies have provided webinars to walk people through the certification process, and we can reach out to potential DBEs directly via social media
- Use involvement in chambers of commerce
- Cooperate with woman business groups and the YWCA
- Trident Tech has existing programming we could advertise to and cooperate with
- A well thought out PR campaign can go a long way, and can repost our social media

Alan Thompson

North Charleston Chamber of Commerce

7/11/2022 (1:00 PM – 1:15 PM)

### **Challenges**

- No current DBE programs
- No volunteers
- Don't get feedback from small and disadvantaged businesses working in North Charleston and haven't had any DBE contracts
- Government contracts are not involved
- Tried to work with the city of North Charleston, but didn't hear back from them

### **Strategies**

- Spearheading opportunity center on Rivers Ave.
- Would like to model their organization after Mount Pleasant's Chamber
- [Resource: Dorothea Bernique \(former director\)](#)

Rebecca Imholz

Mt. Pleasant Chamber of Commerce

7/7/2022 (2:00 PM – 2:30 PM)

### **Background**

- Director of Mt. Pleasant Chamber
- Despite not having a program for DBEs, currently working on DEI Businesses
- Biggest focus has been healthcare

### **Challenges**

- Mt. Pleasant Chamber is relatively new, making it difficult to focus on small businesses as of now. 400 members, 3 staff, and 14-member board

### **Proposed Strategies**

- Just finished a program on hiring the intellectually disabled, especially in food and beverage
- The town Chamber gets call about businesses looking to advocate there
- On the 3<sup>rd</sup> Thursday of July, there will be a presentation to discuss workforce challenges, CARTA, van pool, SC Works, and on demand. Deep dives like this done 3 times a year
- **Action: Help them with email blast to gauge interest and share basic info on DBEs and resources**
- **Action: Tell Michelle about the Mt. Pleasant Expo. \$450/booth, 1,200 attendees, sponsorship sold out, and included a happy hour**

Lane Morgan

Berkeley Chamber of Commerce CEO

7/7/2022 (10:00 AM – 10:15 AM)

### **Background**

- Berkeley Outreach program for diverse and disconnected populations. Works with faith-based groups, NAACP, and Latino, Jewish and rural communities (has mailing list for entries)

### **Challenges**

- DBE certification requirements are confusing
- Low technical and computer skills

### **Proposed Strategies**

- Provide technical outreach
- Streamline how information is presented
- Resource: She can share contact info for Tom Laurie who does small business development
- Action: Share Revolving Loan Program

Richard Waring

Charleston Metro Chamber of Commerce

7/6/22 (3:00 PM – 3:15 PM)

### **Background**

- Minority Business Accelerator program (started in January) (36 month program, 12 with the Chamber)
- 14 businesses in existing cohort

### **Challenges**

- Finding Work
  - When a member of the cohort spoke with CCSD regarding work for DBEs, CCSD shut down the process. Others may have similar experience
  - One cohort member, a Black veteran running a 3<sup>rd</sup> party logistics company, expressed frustration in getting contracts, and feels as if they're not getting their fair shake
- Financing
  - Cohort is ready to start, but need capital
  - Businesses in cohort may not have strong enough bookkeeping to seek traditional financing

### **Proposed Strategies**

- Trying to build a Minority Business Directory, but has thus far only added member businesses and needs to further fill out the online directory
- **Action: Find where Waring got the listings**
- Plans to advertise for a 2<sup>nd</sup> cohort
- **Action: Could partner and hold information sessions**
- **Action: Send Waring a link to SCDOT database**

Donald McCutcheon

Black Contractors Association of the Carolinas

7/6/22 (2:00 PM - 2:40 PM)

### **Background**

- President of the BCAC which advocates for small, women and minority owned businesses through networking and relationship building
- Aids certification and procurement processes for businesses
- Operates in North and South Carolina

### **Challenges**

- Limited number of small businesses that can perform federal transportation work
- SCDOT has a comprehensive project, but prime contractors need their own
- We need prime contractors to sponsor BCAC
- Prime contractors need to be held accountable
- Have to have completed work to qualify for work
- Few connections with prime contractors in South Carolina

### **Proposed Strategies**

- Wants to work more with people that have existing relationships with target groups
- Need more mentor-protégé relationships with prime contractors
- Prime contractors need to help make sure subcontractors have the right fee estimate
- **Action: If no follow up, contact Bernie Mazyck**

Herbert Drayton

Managing Partner / Member

[Hi Mark Capital](#) / [Charleston Metro Chamber of Commerce's Strategic Thinking Group](#)

8/4/2 (10:00 AM – 10:30 AM)

### **Background (Hi Mark Capital)**

- Mr. Drayton has bought and sold 12 businesses over the last 20 years
- Including S.A.S software

### **Background (Strategic Thinking Group)**

- The Strategic Thinking Group is a group of black business leaders in the Charleston region that are focused on economic mobility and promoting African-American business and talent
- Trying to provide access to black leaders on non-profit boards in order to promote diversity and inclusion within decision making
- Have vetted about 100 professionals that are willing to serve on these boards
- Most black businesses don't have the ability to scale and grow, so the Strategic Thinking Group provides mentorship through the Charleston Metro Chamber's incubator program

### **Challenges**

- Dip back into the same pool
- "Escape language"
- Need more mentoring programs
- Need wrap-around services
- Need to help businesses learn how to work on larger contracts
  - Including peer mentorship from a larger firm
  - An active sponsorship (not for free)

### **Opportunities**

- The Strategic Thinking Group can help identify mentors and proteges and bring them together
- They can also help on the DBE Forum
- BCDCOG to present at Strategic Thinking Group meeting (brown bag lunch)

8/23/2022 (2:30 PM – 3:00 PM)

### **Concept**

- Consortium: Mentor-Protégé Model
  - Mr. Drayton would be the primary investor
  - Help to level the playing field
  - Provide assistance with accounting, legal services, and marketing
  - Mr. Drayton will put together a program idea and present it
- Mr. Drayton also had a conversation with Brittney \_\_\_\_
  - She launched her own firm to help women and minority businesses seek government contracts; she can present to BCDCOG

Meeting facilitated by Herbert Drayton and Richard Waring  
Charleston Metro Chamber of Commerce's Strategic Thinking Group (STG)  
8/12/2022 (11:00 AM – 1:15 PM)

### **Background**

- STG's first in-person meeting (because of COVID-19)
- Next meeting on the second Friday in October
- Mr. Drayton wants BCDCOG to stay involved

### **BCDCOG Presentation Feedback (Kyle James)**

- Community Navigator Program: Resource sharing opportunity
- The Charleston Metro Chamber (Adrian Cain) wants to sign-on for the DBE Forum
- Brookings Institute Report
- Why is the DBE goal not closer to percent of the population that is black within our region?
- Can BCDCOG track the experience of DBEs over time
  - Why are they leaving / entering our region?
- Is BCDCOG tracking which DBEs are classified as:
  - Small business
  - Women-led
  - Black-led
- Can BCDCOG share the federal regulations that dictate race-neutral v. race conscious policies?
- Transit-oriented Development projects could be a good opportunity for black development firms
- Concept: Private or non-profit could help DBEs through a bonding fund

### **Chamber Update (Scott Barhight)**

- Looking for a new staffer
  - Inform: help administer committees
  - Access: help with event planning (access series)
  - Advocate: champion advocates
  - Wants to hire someone that aspires to take the top job
  - Chamber will work to make sure that all employees have a pathway to get there
  - Received ~30 applications and want ~60 candidates
  - Reaching out/looking to get additional candidates

### **Minority Business Accelerator (Richard Waring)**

- 2022 cohort in-progress; recruiting for 2023 cohort
- There are other accelerator programs too that can connect interested entrepreneurs with
- 2022 lessons learned
  - Lost 2 business along the way
  - Have to be able to prove their financial model
  - Have to be able to produce their finances
  - Have to be able to create a relationship with their banker

### **African American Board Roster (Kenya Dunn)**

- 17 responses to their survey

### **Minority Non-profit Board Member Training (Adrian Cain)**

- August 31, 2022 through mid-January 2023
- Note: A potential opportunity for diversifying the Lowcountry Lowline
- Does it need to include monitoring?

### **Lowcountry Minority Business Partnership (Rev. Bernie Mazyck)**

- The partnership supports people of color
- Ecosystem framework with 5 elements:
  - Community partnership
  - Effective programs
  - Own or control real estate
  - Provide a connection to capital
  - Facilitate relationships and networking
- The partnership includes the Carolinas Virginia Minority Supplier Developers Council and the SC Association for Community Economic Development

## Minority Business Advancement Discussion

Facilitated by Raquel Padgett

9/22/22 (10:00 AM)

- **Attendees**
- Dr. Sonja Ogletree-Satani
- Chenne Feester
- Takeya Ramsey-Burnham
- Aaron Burnham
- Adelaide (Adie) Brown
- Ed Brown
- Anses Rovais
- Jeff Burns
- Raslaunda Grant
- Jay Campbell

### **Pain Points**

- Looking into what it looks like within a procurement meeting. Next forum would be the evening Procurement Fair
- Problems with software
- Asking for help/personal accountability
- How to find the materials (certifications)
  - info/requirements can be confusing
- Procurement “Good Ol’ Boy” network without open bids
- No oversight in government to ensure we’re following the right process
- Getting strung along
- Clients don’t want to pay for a service
- Need small loans to pay for upfront costs of marketing
- Payments can be late
- Sometimes get fed up with SC and find it easier to get work in another state/country where there’s less red tape and greater adherence to diversity/equity procurement practices

### **Strategies**

- Added to a database/listserv, but must learn how to foster relationships
- To deal with payments, get to know the accounts payable staff
- All about personal relationships and who you know
  - Know decision-makers and infiltrate the “Good Ol’ Boy” network
  - Find creative ways to get to a contract
  - People do business with people they like
  - Minority/women quotas work
- If you’re considered “overqualified”, take some off your resume and just translate past experience
- Wish there was a UCP process between local governments
- It doesn’t have to be a networking event proper to make connections. Create your own door at events such as council meetings, and let them know minority set asides work

## Strategic Thinking Group

Charleston Metro Chamber of Commerce meeting

Hosted by Herbert Drayton and Richard Waring

8/12/22 (11:00 AM – 1:15 PM)

### First in-person Meeting

- The Community Navigator Program is a great resource sharing opportunity
- Chamber wants to sign on to a forum
- Brookings Institute Report
  - Why not closer to the proportion of the population instead of 3-5%?
  - Transport and Broadband
- Economic Mobility with minority populations
- Plan to track the experience of DBEs
  - Why are they leaving?
  - Tracking the demographics of DBEs
- **Action: Share Race-Conscious Code**
- Next meeting would be the second Friday in October
- Transit Oriented Design that has affordable housing developments centered around transit
- Follow up: [Bernie Mazyck on bonding fund examples](#)

### Chamber Hiring

- Looking for a new staffer
  - Inform, access, and advocate
  - Administer committees
  - Event planning (access series events)
  - Champion for advocates
- Try to hire someone who can aspire to eventually take the top job
  - Need a pathway to get there
- There are 30 applicants, and reaching out/looking for additional candidates (want twice as many)

### Minority Business Accelerator

- Recruiting for the 2023 cohort
- Have resources from other accelerators too
- Lessons
  - Lost 2 members of the 2022 cohort along the way
  - Have to be able to prove their financial model
  - Have to be able to produce their finances
  - Create a relationship with your banker

### **Kenya Dunn in charge of the African American Board Roster**

- Train Black leaders in this field
- 17 responses to survey/showed interest

### **Minority Non-Profit Board Member Training (Adrian Cain)**

- Does it need to include mentoring?
- **Action: Reach out to Lowcountry Lowline while they are interested in expanding the diversity of their board**

### **Lowcountry Minority Business Partnership (Rev. Bernie Mazyck)**

- Support People of Color
- Ecosystem framework with 5 elements
  - Community partnership
  - Effective programs
  - Own or control real estate
  - Provide connection to capital
- Includes Carolinas-Virginia Minority Supplier Developers Council
- SCALED (SC Association for Community Economic Development)
- Opportunity Center for giving a signal to the community and standing as a source of pride
- **Resource: Kendra Dunn, the new Chair of Cradle to Career**
- **Follow up: Tim Lewis planning to hold a symposium which will include how to do business with the government scheduled for the end of September in the Shady Grove area**
- Grace is working on elevating the group on the internet for broadband
- The Metro Chamber received an EDA Grant
  - Hired one person already for equity concerned research analysis, and is looking to hire three more people
  - In addition, looking to hire one person for Roper St. Francis
- SCDOT checklist shows where PBE outreach fits in. Better form

## Business

Miguel Rosales

President

[Rosales & Associates](#)

7/13/2022 (2:30 PM – 2:45 PM)

### Background

- Based in Boston; focus on highly-visible bridge design

### Challenges

- Certification
  - Other states have more difficult certification processes than SC
  - Has not yet received work through SCDOT's DBE certification
  - But still thinks certification is worth it
  - Just wishes it was easier and that there was one national program
  - Some agencies are more thorough on providing requests for updated certification paperwork via reminders
    - All states have different dates; usually based on when a firm was first certified
    - Firms need multiple reminders
    - Can be hard to start from scratch when decertified
  - Thinks that the higher the DBE goal on a contract, the better for DBEs
- Process for finding work
  - needs to be contacted by a larger prime
  - Tends to not go after work in SC; no recent projects in SC
  - Except the Ashley River Crossing
  - City of Charleston's website wasn't clear about deadlines
  - City of Charleston's website wasn't clear about how to contact primes
  - Gets many notices (but mostly for construction); finds it difficult to filter to just design RFPs

Yinghua (Jennifer) Zhan

Co-founder/COO

[Modern Mobility Partners](#)

7/13/2022 (3:00 PM – 3:15 PM)

## Background

- Based in Atlanta; founded in 2018
- Has experience from past firms
- Focus: data analysis/visualization, smart mobility, transportation planning, demand modeling, traffic engineering
- Worked on BCDCOG's *Freight Plan* as a sub to CDM Smith

## Challenges

- Certification
  - Got SCDOT DBE certification through UCP; home state is GA
- Finding work
  - Recently won two contracts with SCDOT (modeling on-call) as sub to CDM Smith
  - Can't compete as a prime on SCDOT contracts
  - SCDOT does bring DBEs to the table
  - Prime for GDOT for all types of modelling
  - Larger firms serve as a sub to them
  - Prime in Chattanooga, TN, because of institutional knowledge
  - Sees that public agencies are increasing their participation goals
- Prompt Payment
  - Getting paid on time is really important
  - Cash flow is tough
  - Can't wait 6 months; payment process needs to be streamlined
  - Augusta MPO (GA) has a good tracking/monitoring program
    - [Concept: Mentor-protégé programs with prime contractors to help with business development, marketing, really engaging DBEs on the scoping/scheduling](#)

Virgil Wade

Founder/CEO

[Dream Team Construction](#)

7/13/2022 (11:30 AM – 11:45 AM)

## Background

- Berkeley County native
- 20 years in the construction industry
- Original began business with brother in 1999
- Created separate business in 2006
- Focus on general contracting, mechanical, and electrical work
- Unlike many DBEs, his firm is bondable (not many small firms can do this)

## Challenges

- Certification
  - Found the SC DBE process straight forward
  - Also certified as SBE and MBE
  - Has not yet found that those certifications have led to work
- Finding projects
  - Has no issues identifying construction projects (they are posted online)
  - Uses existing data platform (Plan Hub)
  - But when he bids, he isn't getting the work (the work isn't there)
  - Hasn't been able to get an "in" with the gatekeepers
  - Does cold calls to create new relationships
  - Recent experience with prime (Claflin)
    - Went to pre-bid meet and greet
    - Monkey wrench: Later wanted "value engineering"
    - Felt like they moved the goal line
    - Feels like he is contending against an invisible force/wall (overcoming entrenched/existing relationships)
  - Recent experience with CCSD
    - Johnny Capers, minority liaison that created his own company and is hoovering up all of the contract work
    - Who's watching the watcher?

Frank Ancrum  
Hard Hat TDL  
7/12/2022 (5:00PM – 5:15PM)

### **Background**

- President
- Is a DBE champion through the Strategic Alliance Network (organization with other DBEs)
- Certified DBE in NC, SC, GA, TN, AL, and LA

### **Challenges**

- DBE, SBE and MWBE requirements make him feel as if he is jumping through hoops to prove he is “ready, willing, and able”
- When dealing with primes, it’s challenging and time consuming to ask for quotes/estimates
- It seems like primes are just checking boxes to meet minimum requirements
- Poor checks and balances throughout the entire process
  - No one double checking/checking-in to make sure primes are making appropriate payments
  - No exit interviews with teeth
- Primes won’t let you know about upfront funding (“percentage plus”)
- At the mercy of payroll with timely payments and liquidity being everything
  - Ex.: Did not receive appropriate pay for building Shawn Jenkins Hospital
- Don’t have the luxury of short-term financing and wouldn’t want to be a DBE if they could
- Obstacles are such that one would avoid government contracts if possible

Jingnesh Patel

NITI Systems Consultants, Inc.

7/12/2022 (2:30PM – 2:45PM)

### **Background**

- Based out of Atlanta
- Transportation planning
- Public transit
- ITS
- Data systems

### **Challenges**

- SCDOT certification hasn't led to work yet
- Recently went after SCDOT Asset Management but it was cancelled
- Biggest obstacle to finding work is lack of advance knowledge

### **Strategies**

- Have SBE/DBE set asides @ bigger agencies
- Have a pre-proposal meeting where others share contact info after the meeting

Mushtaqur Rahman

Baseline Mobility Group

7/12/2022 (1:00PM – 1:20 PM)

### **Background**

- Formerly with WSP
- Travel demand modeling
- From Raleigh, NC
- Transportation Planning

### **Work and Certification**

- No specific issues with certification via UCP
- SCDOT has led to work. Primes reached out to them for the 2018 model update, and are working on a current model update
- Sometimes gets BCDCOG notifications

### **Challenges**

- Seeing fewer BCDCOG notifications recently
- Getting cut out of projects, especially on-calls
- When it comes to bids and projects, they need to know about any offers ahead of RFP so that primes haven't already identified
- Burden of marketing falls on DBEs

### **Proposed Strategies**

- SCDOT's forums currently invite DBEs to share about their upcoming work forums
- SCDOT should continue its work on making sure firms don't get cut out of projects by having primes make task orders known to all on-call lists for their subs
- Avoid bundling programs like Columbia did with LRTP, CMP, and Travel Demand Model
- Raleigh MPO intentionally made project sizes smaller to allow DBEs to chase prime contractors, and we could adopt this process to help DBEs

Liz Carpenter

E. Haselden & Associates

7/11/2022 (2:00 PM – 2:15 PM)

### **Background**

- The operation is her and one C.A.D
- Signal and design studies I.T.S

### **Challenges**

- Lots of paperwork for an engineer, but easy enough to maintain
- Whereas marketing could be an issue, doesn't have to do much since the company is established through I.T.E.
- Mostly just a sub on SCDOT projects
  - Doesn't always get the work promised, but it's getting better
- Avoiding "paid when paid" contracts

Juan Ortega

JFO Group

7/11/2022 (10:55 AM – 11:00)

### **Background**

- Basic traffic engineering & planning

### **Challenges**

- UCP is simple enough, did it 4-5 years ago
- SCDOT certification has not led to work because they have been too busy in Florida
- Had layoffs during the recession
- He is a one-person company
- Public sector was highly competitive
- No money in advertising
- In Florida, would be added to contracts only to be cut off during projects, making the contracts feel like a waste of time

### **Proposed Strategies**

- Appreciates the number of emails with opportunities from SC, even if they're not pursuing work in the state as of now
- Allow DBEs to apply for their own field like in Wellington, Florida where it's broken down by task
- Extra points for DBEs

Richard Easley

E-Squared

7/8/2022 (1:00 PM – 1:15 PM)

### **Background**

- Founder and president of E-Squared, and works with wife, Sharon, who is the project manager
- ITS policy, Program Management, and Planning
- From the D.C. area

### **Challenges**

- Many primes claim there are no DBEs that do the work, even though there are
- DBE databases don't include good descriptions of what type of work the DBEs do
- Although they get emails for bids, they don't know what kind of projects are in existence, and have to discover them by word of mouth
- Also, can't receive targeted emails

### **Proposed Strategies**

- Although there is a preference for face-to-face, virtual meetings help with exchanging profile sheets and background info
- SCDOT has been helpful in the sense that around 50% of E-Squared's work comes from them. This helps get a foot in the door for repeat work
- Adapt a system like Kentucky's DOT that sends out more direct emails regarding projects and bids
- Puget Sound, Washington doesn't allow exclusive agreements between primes and subs
- Hold pre-bid meetings where primes and subs are identified, helping to show who's really interested in working together

Jennifer Bihl

Bihl Engineering

7/7/2022 (3:30 PM – 3:45 PM)

### **Background**

- Works on small projects (around \$10k), but there is no maximum limit

### **Challenges**

- Certification
  - Certification process is straightforward, but there's a lot of info (1/2-inch work book)
- Cash Flow
  - Feds sometimes cut away a percent of the budget designated for DBEs
  - Federal proposals are too involved
  - Primes are strict on their payment terms. "Pay when paid"
  - Can get clod up in someone else's invoices
- Finding Work
  - Not all projects have a DBE percentage requirement
  - SCDOT has provided work on federal projects with DBE requirements, but don't feel they should rely on it
  - Can find work and teaming partners, but it's only possible because of good relationships helping them to make it on most lists they would like
  - More likely to go after an On-Call

### **Proposed Strategies**

- Simplify marketing by breaking up large contracts into smaller contracts
- Give more projects DBE percentage requirements, including BCDCOG's recent RFP
- **Action: Look into DBEs being on-call for better access**

Dipak Patel

Dad N Associates

7/7/2022 (11:45 AM – 12:00 PM)

### **Background**

- Traffic, transportation, engineering, and some design work
- Almost 100% subcontracting

### **Challenges**

- Finding Work
  - Marketing is expensive
  - SCDOT is currently the only way to find work
  - Primes treat DBE requirements as an artificial cap
  - Some primes don't let DBEs know they've won a contract
  - Prime's focus on working in house, cutting out DBEs throughout the process
  - DBE participation on contracts is mostly focused in the construction phase and might not have requirements on design and engineering
  - There's been poor feedback on projects after proposals
- Cash Flow
  - Invoicing takes 3-6 months on average for most primes outside of Mount Pleasant
  - Hard to find financing, and getting a lump sum is a challenge
  - Primes can change the scope of financing
  - Often ask for work before contracts are signed

### **Proposed Strategies**

- Break through familiar patterns so primes aren't just choosing to work with who they are used to (ex. Summerville on-calls only went with large firms)
- Having higher goal percentages has driven participation, but we need to make sure the language is specific enough to direct primes

Inga Kennedy

PEQ, Inc.

7/7/22 (10:45 AM – 11:00 AM)

### **Background**

- Planners for Environmental Quality has stakeholder participation and is based out of Atlanta
- Subcontractor to Stantec on Long Range Transportation Plan

### **Challenges**

- Certification/Qualifications
  - Due to constant staff turnover, DBE certification was not well coordinated, and time consuming
  - Certification upkeep is not difficult, but it can be hard keeping track of expiration dates
  - How do DBEs graduate from the program?
- Finding work
  - While SCDOT has been helpful with finding work, they are more likely work with people they know. The selection criteria favor past training relationships
  - Cost of insurance/budget needs to vary by the type of work
  - DBE contracting requirements can be treated as an artificial cap as opposed to a floor
  - Issues with percentage requirements in retaining contracts
- Cash Flow
  - With invoicing, it can take a long time for subcontractors to get paid

### **Proposed Strategies**

- Provide training opportunities for organizations
- Although SCDOT seems to do a good job with this, continue to identify open and upcoming projects for work
- Team up with prime contractors, and maybe have virtual meet and greets
- Virtual proposal presentations
- Would like to maneuver the procurement process
- Retool the DBE process so that businesses become prime contractors rather than perpetual subs
- Require primes to invoice every month
- Though some primes already do, have more finance contracts for DBEs so they don't have to go through the process of getting a loan

Samuel Trotman

Spectrum Haven

7/6/22 (11:45 AM - 12:00 PM)

### **Background**

- Principal of Spectrum Haven for 2 years
- Technology design firm
- Telecommunications
- ITS/Fiber Optics/Edge Detection

### **Challenges**

- Certification
  - Uses an abbreviated process for paperwork in Florida
- Process for Finding Work
  - The business does not have a track record in South Carolina. Florida, where Trotman has experience, provides for small companies via set asides, forecasting a 6 month look ahead, advertising
  - Big firms forget about their DBEs
  - It's hard to find partners and receive emails for electrical contracts
- Proposed Strategies
  - Need time to find teaming partners and build relationships
  - Provide virtual meet and greets
  - Share a list of upcoming project opportunities within the next 6-9 months
  - **Action: Share web pages for ITS**

## Appendix G: BCDCOG FTA DBE Target Setting (FFY 26-28)

The **United States Department of Transportation (U.S. DOT)** encourages participation of small businesses and businesses owned by socially- and economically-disadvantaged individuals in state and local procurement. Through its **Disadvantaged Business Enterprise (DBE)** program, U.S. DOT requires state and local transportation agencies that receive federal financial assistance to establish DBE participation targets, report on prime and subcontract participation, and identify strategies for increasing participation if an agency falls short of its goal.<sup>41</sup> The **Federal Transit Administration (FTA)** is a division within U.S. DOT that specializes in public transportation. This memorandum documents DBE participation on FTA-assisted expenditures by BCDCOG for **Federal Fiscal Year (FFY)** 2011 through FFY 2024 and recommends no change in its 10.0% DBE participation target for FFY 2026 through FFY 2028.

### DBE Participation Target

BCDCOG's FTA DBE participation target is re-evaluated and updated in three-year cycles. **Figure 1** summarizes BCDCOG's historic DBE targets and participation rates on all FTA-assisted contracts between FFY 2011 and FFY 2024.

**Figure 1: BCDCOG's FTA DBE Participation Targets & Rates**

Evaluation Period	DBE Participation Target	DBE Participation Rate*	Means**
FFY 11-13	3.0%	0.0%	100.0% Race Neutral
FFY 14-16	3.4%	0.0%	100.0% Race Neutral
FFY 17-19	10.0%	0.0%	100.0% Race Neutral
FFY 20-22	5.0%	5.7%	100.0% Race Neutral
FFY 23-25	10.0%	4.3%***	100.0% Race Neutral

\* Does not included Lowcountry Rapid Transit project

\*\* Race Neutral is defined by U.S. DOT in [49 CFR § 26.51](#)

\*\*\* Only shows DBE participation through FFY 2024 as FFY 2025 was not available at the time of target setting

<sup>41</sup> Title 49 Code of Federal Regulations, Subtitle A, Part 26: Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs. Current as of November 3, 2020. <<https://bit.ly/38cdQtW>>

BCDCOG established a regional Disadvantaged Business Enterprise (DBE) Program in accordance with 49 CFR Part 26<sup>42</sup> to help ensure that small and disadvantaged businesses have an equal opportunity to participate in and receive USDOT-assisted contracts in the Berkeley-Charleston-Dorchester region of South Carolina.

Below are the seven policies that guide BCDCOG's DBE Program, as established by BCDCOG's Board of Directors:

1. Safeguard against discrimination and promote a level playing field in the award and administration of USDOT-assisted contracts.
2. Narrowly tailor BCDCOG's DBE Program so that it conforms to all applicable laws.
3. Make sure that only firms that meet federal eligibility standards are permitted to participate in the DBE Program.
4. Identify and develop a good rapport with eligible small and disadvantaged businesses that can provide BCDCOG with required materials, equipment, supplies, and services.
5. Develop educational materials to acquaint prospective small and disadvantaged businesses with BCDCOG's contract procedures and requirements.
6. Listen to feedback and remove barriers to participation of small and disadvantaged businesses during the bid, award, and administration of USDOT-assisted contracts.
7. Assist in the development of small and disadvantaged businesses so that they can compete successfully outside of BCDCOG's DBE Program.

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<sup>42</sup> [49 CFR Part 26](#) (created February 2, 1999; last amended July 3, 2024)

## DBE Participation Target Setting

Although U.S. DOT does not mandate a quota for small and disadvantaged business participation, it established a 10.0% national participation target in 2011. U.S. DOT uses this aspirational target as a benchmark to evaluate progress towards increased participation at the national level but does not require BCDCOG and other recipients of federal assistance to use the same goal. Instead, U.S. DOT requires recipients to set an overall DBE participation target for all projects, plans, and programs receiving federal funding in the agency's local market area using a three-step process.

**Figure 2** shows BCDCOG's local market area which encompasses Berkeley, Charleston, and Dorchester counties in South Carolina. This local market area aligns with BCDCOG's planning boundaries, and historically most transportation-related contracts for BCDCOG's projects, plans, and programs have been awarded to firms headquartered or with satellite offices within this region.

**Figure 2: Map of BCDCOG's Market Area**



To set its FTA DBE participation target, BCDCOG follows U.S. DOT’s three-step process.

### Step 1: Baseline of Available DBEs

First, U.S. DOT requires that BCDCOG identify a baseline number of DBE-certified firms that are available to compete for anticipated contracts between FFY 2026 and FFY 2028. The baseline must be a fair and accurate representation of businesses that are available and eligible to meet BCDCOG’s anticipated procurement needs.

**Figure 3** lists BCDCOG’s anticipated FTA-assisted project expenditures for FFY 2026 through FFY 2028. Overall, BCDCOG currently anticipates awarding approximately \$1,266,000 in FTA-assisted contracts over the next three FFYs.

**Figure 3: Anticipated FTA-assisted Contracts, excluding LCRT (FFY 2026-FFY 2028)**

Project	Services (NAICS code)	Anticipated New FTA-assisted Contracts			Total
		FFY 2026	FFY 2027	FFY 2028	
BCD RTMA Operating Assistance	Transit Operator (485113)	\$175,000	\$175,000	\$175,000	\$525,000
Urban 5310	Special Needs Transportation (485991)	\$247,000	\$247,000	\$247,000	\$742,000
Total		\$422,000	\$422,000	\$422,000	\$1,266,000

The two anticipated projects are ongoing transit operation funding for TriCounty Link (BCD RTMA Operating Assistance) and federally-allocated funding for the Urban Section 5310 program (Enhanced Mobility for Seniors & Individuals with Disabilities). These ongoing programs expended funding in each of the previous two years, with 0% of funding going to DBEs. The anticipated contract amounts are estimates based on expenditures from the past two years. No other FTA-assisted contracts are anticipated at this time.

**Figure 4** separates the anticipated project costs from **Figure 3** into individual industry service areas using the **North American Industry Classification System (NAICS)**.

For the two anticipated FTA-assisted contracts, 41.5% will go towards transit operator services (NAICS Code 485113). According to the most recent U.S. Census Bureau’s County Business Pattern data (2022) for Berkeley, Charleston and Dorchester counties, there are no firms available to complete these services within the region. As in previous years, BCDCOG manages most of these services in-house. The other 58.5% of available FTA-assisted contracts will go towards special needs transportation services. According to the most recent U.S. Census Bureau’s County Business Pattern data (2022) for Berkeley, Charleston and Dorchester counties, there are 7 firms in the region that can perform this service.

SCDOT certifies the eligibility of firms to participate DBE programs in South Carolina, and Column C in **Figure 4** summarizes the number of small and disadvantaged businesses from SCDOT’s directory of DBE-certified businesses. Among the 7 special needs transportation firms in the regional market area, there are 2 DBEs certified by SCDOT that are “ready, willing, and able” to compete for BCDCOG projects (28.6%). As a percent of total FTA-assisted funds for this three-year period, 16.7% of funds could be expected to go to an SCDOT-certified DBE.

**Figure 4: Available SCDOT-Certified DBE Firms Relative to FTA-assisted Contracts**

NAICS Code	NAICS Industry	A	B	C	D	E	F
		FTA-assisted Funds	% Total FTA-assisted Funds	Eligible DBE Firms	All Firms	% Eligible DBE Firms	Relative DBE Available
Reference:		Figure 3	[A/ΣA]	SCDOT	US Census**	[C/D]	[BxE]
485113	Transit Operator	\$525,000	41.5%	0*	0	0.0%	0.0%
485991	Special Needs Transportation	\$742,000	58.5%	2	7	28.6%	16.7%
Total		\$1,266,000	100.0%	2	7	28.6%	16.7%

\* One firm available in North Charleston, but it specializes in residential and corporate transportation services instead of public transportation services

\*\* County Business Patterns (2022)

<https://data.census.gov/table/ECNBASIC2022.EC2200BASIC?q=N0600.00:+6-digit+NAICS&q=050XX00US45015,45019,45035>

## Step 2: Adjustment Based on Local Knowledge

To ensure that BCDCOG's DBE participation target accurately represents the participation U.S. DOT would expect absent the effects of discrimination, U.S. DOT encourages BCDCOG to go beyond the formulaic measurements of eligible firms shown in Step 1 by incorporating information about other conditions affecting small and disadvantaged businesses. U.S. DOT requires that any adjustments must be based on evidence and that the adjustments may account for the proven capacity of locally-eligible firms to perform work on U.S. DOT-assisted contracts.

Historically, BCDCOG has received no applications for Urban Section 5310 funding from DBEs.

In addition, BCDCOG is working with SCDOT on implementation of a locally-funded bus rapid transit project. This project is currently within FTA's New Starts program, and the project may be eligible for FTA assistance during this three-year period. Although this funding cannot be incorporated into this target setting process, SCDOT encourages BCDCOG to match its current DBE participation target of 10.0%.

## Step 3: Consultation & Publication

BCDCOG facilitated a stakeholder meeting on April 30, 2025, to collect additional feedback on the draft DBE Program and to receive feedback on the draft DBE participation targets. No feedback on the DBE participation targets were received.

**Figure 5: Stakeholder Meeting Attendees**

Name	Agency / Firm
Robin Mitchum	BCDCOG
Adrienne Holt	EARTH Management, LLC
Chenné Feaster	Changing Lives Forever Home Solutions
Gregg Davis	SCDOT
Holly Chesser	Charleston County
Jeff Burns	BCDCOG
Joslyn Brown	City of Charleston
KJ Kearney	Good Black Fridays
Kyle James	BCDCOG
Michelle McDonald	Dorchester County
Ruth Jordan	City of Charleston
Sarita Blackshear	City of Charleston

### 10.0% DBE Participation Target (FFY 26 - FFY 28)

Based on this information, BCDCOG recommends matching SCDOT’s DBE participation target of 10.0%. BCDCOG will attempt to achieve this target through race-neutral means and will track race-neutral DBE participation on all FTA-assisted contracts. For reporting purposes, race-neutral DBE participation includes, but is not limited to, the following:

- DBE participation through a prime contract obtained through customary competitive procurement procedures
- DBE participation through a subcontract on a prime contract that does not carry a DBE contract goal

Data will be maintained on DBE participation in fulfilling contracts with and without DBE goals between FFY 2025 and FFY 2028 to track progress towards BCDCOG’s overall 10.0% DBE participation target.

## Affidavit of Publication

BCDCOG will advertise its recommended FTA DBE participation target setting method and three-year target for 30 days (April 11, 2025 through May 23, 2025) on BCDCOG's website.

On April 21st, BCDCOG staff will present its recommended FTA DBE target to BCDCOG's Board of Directors

## BCDCOG Board of Directors Approval

BCDCOG's Board of Directors approved the FFY 26-28 FTA DBE participation target on April 21, 2025.

## Appendix H: BCDCOG FHWA DBE Target Setting (FFY 26-28)

The **United States Department of Transportation (U.S. DOT)** encourages participation of small businesses and businesses owned by socially- and economically-disadvantaged individuals in state and local procurement. Through its **Disadvantaged Business Enterprise (DBE)** program, U.S. DOT requires state and local transportation agencies that receive federal financial assistance to establish DBE participation targets, report on prime and subcontract participation, and identify strategies for increasing participation if an agency falls short of its goal.<sup>43</sup> The **Federal Highway Administration (FHWA)** is a division within U.S. DOT that specializes in highway transportation. This memorandum documents DBE participation on FHWA-assisted expenditures by BCDCOG for **Federal Fiscal Year (FFY)** 2011 through FFY 2024 and recommends no change in its 6.0% DBE participation target for FFY 2026 through FFY 2028.

### DBE Participation Target

BCDCOG’s FTA DBE participation target is re-evaluated and updated in three-year cycles. **Figure 1** summarizes BCDCOG’s historic DBE targets and participation rates on all FHWA-assisted contracts between FFY 2011 and FFY 2024.

**Figure 1: BCDCOG’s FTA DBE Participation Targets & Rates**

Evaluation Period	DBE Participation Target	DBE Participation Rate*	Means**
FFY 11-13	3.0%	0.0%	100.0% Race Neutral
FFY 14-16	3.4%	0.0%	100.0% Race Neutral
FFY 17-19	10.0%	4.2%	100.0% Race Neutral
FFY 20-22	5.0%	6.6%	100.0% Race Neutral
FFY 23-25	6.0%	9.5%**	100.0% Race Neutral

\* Race Neutral is defined by U.S. DOT in [49 CFR § 26.51](https://www.ecfr.gov/current/title-49/chapter-I/subchapter-B/part-26/subpart-26.51)

\*\* Only shows DBE participation through FFY 2024 as FFY 2025 was not available at the time of target setting

<sup>43</sup> Title 49 Code of Federal Regulations, Subtitle A, Part 26: Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs. Current as of November 3, 2020. <<https://bit.ly/38cdQtW>>

BCDCOG established a regional Disadvantaged Business Enterprise (DBE) Program in accordance with 49 CFR Part 26<sup>44</sup> to help ensure that small and disadvantaged businesses have an equal opportunity to participate in and receive USDOT-assisted contracts in the Berkeley-Charleston-Dorchester region of South Carolina.

Below are the seven policies that guide BCDCOG's DBE Program, as established by BCDCOG's Board of Directors:

1. Safeguard against discrimination and promote a level playing field in the award and administration of USDOT-assisted contracts.
2. Narrowly tailor BCDCOG's DBE Program so that it conforms to all applicable laws.
3. Make sure that only firms that meet federal eligibility standards are permitted to participate in the DBE Program.
4. Identify and develop a good rapport with eligible small and disadvantaged businesses that can provide BCDCOG with required materials, equipment, supplies, and services.
5. Develop educational materials to acquaint prospective small and disadvantaged businesses with BCDCOG's contract procedures and requirements.
6. Listen to feedback and remove barriers to participation of small and disadvantaged businesses during the bid, award, and administration of USDOT-assisted contracts.
7. Assist in the development of small and disadvantaged businesses so that they can compete successfully outside of BCDCOG's DBE Program.

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<sup>44</sup> [49 CFR Part 26](#) (created February 2, 1999; last amended July 3, 2024)

## DBE Participation Target Setting

Although U.S. DOT does not mandate a quota for small and disadvantaged business participation, it established a 10.0% national participation target in 2011. U.S. DOT uses this aspirational target as a benchmark to evaluate progress towards increased participation at the national level but does not require BCDCOG and other recipients of federal assistance to use the same goal. Instead, U.S. DOT requires recipients to set an overall DBE participation target for all projects, plans, and programs receiving federal funding in the agency's local market area using a three-step process.

**Figure 2** shows BCDCOG's local market area which encompasses Berkeley, Charleston, and Dorchester counties in South Carolina. This local market area aligns with BCDCOG's planning boundaries, and historically most transportation-related contracts for BCDCOG's projects, plans, and programs have been awarded to firms headquartered or with satellite offices within this region.

**Figure 2: Map of BCDCOG's Market Area**



To set its FHWA DBE participation target, BCDCOG follows U.S. DOT's three-step process.

### Step 1: Baseline of Available DBEs

First, U.S. DOT requires that BCDCOG identify a baseline number of DBE-certified firms that are available to compete for anticipated contracts between FFY 2026 and FFY 2028. The baseline must be a fair and accurate representation of businesses that are available and eligible to meet BCDCOG's anticipated procurement needs.

**Figure 3** lists BCDCOG's anticipated FHWA-assisted project expenditures for FFY 2026 through FFY 2028. Overall, BCDCOG currently anticipates awarding approximately \$950,000 in FHWA-assisted contracts over the next three FFYs.

**Figure 3: Anticipated FHWA-assisted Contracts (FFY 2026-FFY 2028)**

Project	Services (NAICS code)	Anticipated New FHWA-assisted Contracts			Total
		FFY 2026	FFY 2027	FFY 2028	
TDM Freight Module	Engineering Services (541330)	\$0	\$0	\$350,000	\$350,000
US-17A/ Main St Corridor study	Engineering Services (541330)	\$0	\$400,000	\$0	\$400,000
Regional Micromobility Plan	Engineering Services (541330)	\$200,000	\$0	\$0	\$200,000
Total		\$200,000	\$400,000	\$350,000	\$950,000

The four anticipated projects encompass transportation planning and engineering tasks. Detailed scopes of work are not yet available for these projects.

**Figure 4** separates the anticipated project costs from **Figure 3** into individual industry service areas using the **North American Industry Classification System (NAICS)**.

For the three anticipated FHWA-assisted contracts, 100.0% will go towards transportation planning and engineering services (NAICS Code 541330). According to the most recent U.S. Census Bureau’s County Business Pattern data (2022) for Berkeley, Charleston and Dorchester counties, there are 228 firms available to complete these services within the region.

SCDOT certifies the eligibility of firms to participate DBE programs in South Carolina, and Column C in **Figure 4** summarizes the number of small and disadvantaged businesses from SCDOT’s directory of DBE-certified businesses. Among the 9 transportation planning and engineering firms in the regional market area, there are 9 DBEs certified by SCDOT that are “ready, willing, and able” to compete for BCDCOG projects (3.9%). As a percent of total FHWA-assisted funds for this three-year period, 3.9% of funds could be expected to go to an SCDOT-certified DBE.

**Figure 4: Available SCDOT-Certified DBE Firms Relative to FTA-assisted Contracts**

NAICS Code	NAICS Industry	A	B	C	D	E	F
		FTA-assisted Funds	% Total FTA-assisted Funds	Eligible DBE Firms	All Firms	% Eligible DBE Firms	Relative DBE Available
Reference:		Figure 3	[A/ΣA]	SCDOT	US Census*	[C/D]	[BxE]
541330	Engineering Services	\$950,000	100.0%	9	228	3.9%	3.9%
Total		\$950,000	100.0%	9	228	3.9%	3.9%

\* County Business Patterns (2022)

<https://data.census.gov/table/ECNBASIC2022.EC2200BASIC?q=N0600.00:+6-digit+NAICS&q=050XX00US45015.45019.45035>

## Step 2: Adjustment Based on Local Knowledge

To ensure that BCDCOG’s DBE participation target accurately represents the participation U.S. DOT would expect absent the effects of discrimination, U.S. DOT encourages BCDCOG to go beyond the formulaic measurements of eligible firms shown in Step 1 by incorporating information about other conditions affecting small and disadvantaged businesses. U.S. DOT requires that any adjustments must be based on evidence and that the adjustments may account for the proven capacity of locally-eligible firms to perform work on U.S. DOT-assisted contracts.

In FFY 23 - FFY 24, BCDCOG had a 9.5% DBE participation rate on similar contracts

No disparity studies were identified for the region.

## Step 3: Consultation & Publication

BCDCOG facilitated a stakeholder meeting on April 30, 2025, to collect additional feedback on the draft DBE Program and to receive feedback on the draft DBE participation targets. No feedback on the DBE participation targets were received.

**Figure 5: Stakeholder Meeting Attendees**

Name	Agency / Firm
Robin Mitchum	BCDCOG
Adrienne Holt	EARTH Management, LLC
Chenné Feaster	Changing Lives Forever Home Solutions
Gregg Davis	SCDOT
Holly Chesser	Charleston County
Jeff Burns	BCDCOG
Joslyn Brown	City of Charleston
KJ Kearney	Good Black Fridays
Kyle James	BCDCOG
Michelle McDonald	Dorchester County
Ruth Jordan	City of Charleston
Sarita Blackshear	City of Charleston

## 10.0% DBE Participation Target (FFY 26 - FFY 28)

Based on this information, BCDCOG recommends maintaining its FFY 23 - FFY 25 FHWA DBE participation target of 6.0%. BCDCOG will attempt to achieve this target through race-neutral means and will track race-neutral DBE participation on all FHWA-assisted contracts. For reporting purposes, race-neutral DBE participation includes, but is not limited to, the following:

- DBE participation through a prime contract obtained through customary competitive procurement procedures
- DBE participation through a subcontract on a prime contract that does not carry a DBE contract goal

Data will be maintained on DBE participation in fulfilling contracts with and without DBE goals between FFY 2025 and FFY 2028 to track progress towards BCDCOG's overall 6.0% DBE participation target.

## Affidavit of Publication

BCDCOG will advertise its recommended FHWA DBE participation target setting method and three-year target for 30 days (April 11, 2025 through May 23, 2025) on BCDCOG's website.

On April 21st, BCDCOG staff will present its recommended FHWA DBE target to BCDCOG's Board of Directors

## BCDCOG Board of Directors Approval

BCDCOG's FFY 26-28 FHWA DBE participation targets were approved by BCDCOG's Board of Directors on April 21, 2025.

## Appendix I: Reviewer Checklist

49 Part 26	BCDCOG DBE Program
What are the objectives of this part? <a href="#">26.1</a>	Purpose (p.1); Appendix A: Policy Statement (p. 29)
What discriminatory actions are forbidden? <a href="#">26.7</a>	Non-discrimination (p. i)
What records do recipients keep and report? <a href="#">26.11</a>	Reporting (p. 11)
What assurances must recipients and contractors make? <a href="#">26.13</a>	BCDCOG Assurance (p. 17) Prime Contractor & Subcontractor Assurance (p. 18)
How can recipients apply for exemptions or waivers? <a href="#">26.15</a>	Exemptions (p. 24) Waivers (p. 24)
What is the requirement for a policy statement? <a href="#">26.23</a>	Appendix A: Policy Statement (p. 29)
What is the requirement for a liaison officer? <a href="#">26.25</a>	DBE Administrator (p. 3)
What efforts must recipients make concerning DBE financial institutions? <a href="#">26.27</a>	Financial Institutions (p. 9)
What prompt payment mechanisms must recipients have? <a href="#">26.29</a>	Prompt Payments & Return of Retainage (p. 19)
What information must a UCP include in its DBE/ACDBE directory? <a href="#">26.31</a>	DBE Directory (p. 4)
What steps must a recipient take to address overconcentration of DBEs in certain types of work? <a href="#">26.33</a>	Overconcentration (p. 14)
What role do business development and mentor-protégé programs have in the DBE program <a href="#">26.35</a>	Mentor-Protégé Programs (p. 16)

49 Part 26	BCDCOG DBE Program
What are a recipient's responsibilities for monitoring? <a href="#">26.37</a>	Reporting (p. 11) Subrecipient Monitoring (p. 25)
Fostering small business participation. <a href="#">26.39</a>	Fostering Small Business (p. 14)
What is the role of the statutory 10 percent goal in this program? <a href="#">26.41</a>	DBE Participation Targets (p. 7)
Can recipients use set-aside or quotas as part of this program? <a href="#">26.43</a>	DBE Participation Targets (p. 7)
How do recipients set overall goals? <a href="#">26.45</a>	DBE Participation Targets (p. 7)
Can recipients be penalized for failing to meet overall goals? <a href="#">26.47</a>	Good Faith Efforts (p. 26)
What are the requirements for transit vehicle manufacturers (TVMs) and for awarding DOT-assisted contracts to TVMs? <a href="#">26.49</a>	Transit Vehicle Manufacturers (p. 18)
What means do recipients use to meet overall goals? <a href="#">26.51</a>	Engagement (p. 5) Race-neutral Measures (p. 16)
What are the good faith efforts procedures recipients follow in situations where there are contract goals? <a href="#">26.53</a>	Fostering Small Business (p. 14) Good Faith Efforts (p. 26)
How is DBE participation counted towards goals? <a href="#">26.55</a>	Reporting (p. 11)
Certification Standards <a href="#">Subpart D</a>	DBE Directory (p. 4)
Certification Procedures <a href="#">Subpart E</a>	DBE Directory (p. 4) Decertification (p. 27)
What enforcement actions apply to firms participating in the DBE program? <a href="#">26.107</a>	Good Faith Efforts (p. 26)
What are the rules governing information, confidentiality,	Confidentiality (p. 23)

49 Part 26	BCDCOG DBE Program
cooperation, and intimidation or retaliation? <a href="#">26.109</a>	
Guidance Concerning Good Faith Efforts <a href="#">Appendix A to Part 26</a>	Good Faith Efforts (p. 26)
Mentor-Protégé Program Guidelines <a href="#">Appendix D to Part 26</a>	Mentor-Protégé Programs (p. 16)