

Transporter

Civil Rights Office Newsletter

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New Challenge to the DBE Program— USDOT Program Okay, Washington State Program Not Okay

In May 2005, the U.S. Ninth Circuit Court of Appeals, which the State of Alaska falls under, made a decision in the case of *Western States Paving versus the State of Washington, Clark County and the City of Vancouver*. The essential findings of the Court were the following:



- The federal DBE Program was constitutional; and
- The Washington State DBE Program was unconstitutional.

The case is perplexing because Washington State's Disadvantaged Business Enterprise (DBE) program was approved by U.S. Department of Transportation (USDOT) and was modeled after the sample program provided by USDOT. Also perplexing in this case is the change in direction taken by the U.S. Department of

Justice (USDOJ), which represented USDOT in both the federal District Court and the Ninth Circuit Court. Where USDOJ supported Washington State in the District Court, it changed its approach at the Ninth Circuit, ignoring the advice of their client, USDOT. In doing this, USDOJ promoted findings in the case that are not

supported by and inconsistent with the current DBE regulations and other Circuit Court rulings.

The end result was that Washington State was left to defend its federally approved DBE Program, without any assistance from USDOJ. Such action is unprecedented. This decision resulted in Washington State implementing a Race Neutral DBE Program (no project goals) until it completes a DBE Availability Study, which has cost Washington State \$600,000 to date. It will also result in the implementation of race and gender specific project goals when the Availability Study is complete.

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New Training Program in Tanacross

Tanacross Village Council (TVC) and Dihthaad Global Services, LLC (a wholly owned subsidiary of TVC) in partnership with the University of Alaska Fairbanks (UAF), has implemented a construction trades education and training program in Tanacross, Alaska.

Fifteen students were selected to participate in the training program. Each of the trainees has been enrolled in the construction trades technologies program at UAF and has completed the National Center for Construction Education and Research (NCCER) Core and Carpentry Level 1 curriculum. All training was done in anticipation of the upcoming village



Regional Training Center (Old Tok School)

construction projects, which include the following:

- Design/build of 20 new homes
- Design/build of the Tanacross Multi-Use Facility and Clinic

- Water/Sewer and Water Treatment Plant Upgrades

All construction work is self-performed by TVC and its subsidiaries. Each of the trainees is employed either by the village or by subcontractors. In addition, as one of the many benefits of this program, the village is enjoying over 60% employment at this time.

Much of the work for the housing project was pre-fabricated during the winter, utilizing our facility at the Old Tok School. The Old Tok School was acquired in 1992 by Tanacross Inc. and leased

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Unloading Materials



Work on one of the houses

to TVC in 2001 for the purpose of establishing a regional training center. The work of converting the Old Tok School into the Upper Tanana Valley Training Center (UTVTC) commences as funding becomes available. To date, all of the work has been performed by the trainees.

Dihthaad Development LLC (DDLCC) is a for profit holding company under TVC. DDLCC holds in its family, the following companies:

- **Dihthaad Global Services LLC** - SBA 8(a) and DBE general contractor providing construction and management services.

- **Mansfield Equipment LLC** - Owns and manages heavy equipment and tools. Rents to the public at large.

- **Mansfield Property Management LLC** - Manages properties owned by TVC and others.
- **Dihthaad Security LLC** - Provides security guard and patrol services.
- **Dihthaad Environmental Services LLC** - Provides Professional Environmental Management and Remediation Services in Alaska.

DDLCC is proud of the accomplishments of the trainees and pleased with the progress of their various projects, all of which are progressing on or ahead of schedule and under budget.

Contributed by: Rex Goolsby
Native Village of Tanacross



Foundation on one of the houses



Recently, current US Department of Transportation (USDOT) contractors and

potential contractors have received fraudulent letters purporting to be issued by USDOT. These fraudulent letters request that current or potential contractors register in the Central Contractor Registration System (CCR) and provide other business related information via a fax number. If vendors with whom you or your State partners do business receive this type of letter, direct them

not to complete the requested CCR worksheet or provide any information to the fax number cited in the letter. The CCR is a legitimate government system; however, to register, contractors should go directly through the CCR website and never through a third party. There is no requirement to send information directly to any Federal agency.

CRO Welcomes New Compliance Officer

Stacy Seibert joined the Alaska Department of Transportation and Public Facilities, Civil Rights Office (CRO) as a Contract Compliance Specialist on July 25, 2005. Ms. Seibert was previously employed by the Department of Military and Veterans Affairs where she worked as Training Specialist. Prior to being employed by

the State of Alaska, she was an AmeriCorps VISTA volunteer in Fairbanks. Ms. Seibert has a Bachelor of Arts in Psychology from Miami University in Oxford, Ohio and a Masters in Arts in Communication from Purdue University. She has lived in Alaska for the past 4 years, and enjoys hiking, camping and bicycling in her free time.

We are very happy to have her become a part of our staff.

*Contributed by: Jon Dunham
Manager, Civil Rights Office*



Project/Procurement information for the Alaska Department of Transportation and Public Facilities can be viewed at the following web address:

<http://dot.alaska.gov/procurement/index.shtml>

Also on the Civil Rights Office Links Web Page under Procurement — links to the Alaska Unified Certification Program Members' procurement pages:

<http://www.dot.state.ak.us/cvlrts/links.shtml>

DBE Directory Contact Information

Recently, we have had complaints from several contractors about incorrect contact information in the DBE Directory. Usually, this happens because a firm has moved, changed telephone numbers, etc. and did not inform the Civil Rights Office, which maintains the directory.

As a reminder to our DBEs, not only do DBE regulations require you to keep us informed of any changes, it is also in your best interest to keep your contact information up-to-date. If the information in the DBE Directory is not

accurate, how will prime contractors and consultants know how to reach you for bid solicitations? Furthermore, if we are unable to reach you to update contact information, we will change your GFE (Good Faith Effort) status to "NO." Otherwise, time is wasted by contractors and consultants trying to solicit DBEs.

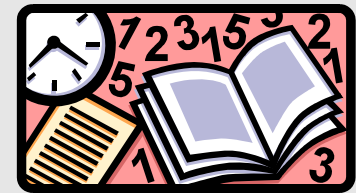
While we do our best, sometimes contact information may be wrong because of a simple typo or incorrect records on our part. For this reason, it's a smart idea to periodically take a look at your

firm's information in the directory to see if any of the information needs correcting or updating.

So please, keep in touch with us! It's in everyone's best interest. The on-line directory can be accessed at:

<http://www.dot.state.ak.us/cvlrts/directory.shtml>

Contributed by: Beckie M Oliva



Support Services Coordinator

New Challenge to DBE Program (Continued from page 1)

Many of the State DOTs have expressed serious concern about this alarming action by USDOJ through a resolution passed by the American Association of State Highway and Transportation Officials (AASHTO) Subcommittee on Civil Rights, which is summarized below:

1. Request USDOJ provide guidance on how to apply the DBE Program regulations to address the inconsistent decisions by the various Circuit Courts; and
2. Provide the AASHTO Subcommittee on Civil Rights the opportunity to review and discuss with USDOJ and USDOT DBE Program guidance based on the Ninth Circuit's decision; and
3. Request the USDOJ and the USDOT to provide guidance on how to effectively conduct a disparity or availability study; and
4. Request a sample/model study containing elements needed to address the court findings; and
5. Request further guidance from USDOJ and USDOT on how to effectively implement a Race Neutral DBE Program that will be compliant with 49 CFR Part 26 and Part 23; and
6. Request that such considerations be provided immediately to all State DOTs for their use.

*Contributed by: Jon Dunham
Manager, Civil Rights Office*

UPCOMING EVENTS & TRAINING OPPORTUNITIES

August 2005

✓ DBE Certification & PTAC Services Workshop

August 17, 2005 (Wednesday) (8:00am - Noon)

Cost: FREE

(Location:

Alaska Department of Transportation & Public Facilities
McKinley Building
Main Conference Room
2720 Pickett Place
Fairbanks, Alaska

Sponsored by: Alaska Department of Transportation & Public Facilities, Civil Rights Office

REGISTER/Questions: 269-0844

Email: beckie_oliva@dot.state.ak.us

Description: Provide basic information about certification requirements for the Alaska Unified Certification Program (AUCP) Disadvantaged Business Enterprise (DBE) program and Procurement Technical Assistance Center (PTAC) services

Additional Information:

www.dot.state.ak.us/cvlrts/forms/wkshp-agenda.pdf

Notes & News About Certification



Recertified Firms

- | | | |
|--|---|--|
| ➤ Acme Fence Company Inc
Anchorage, Alaska | ➤ Judy Friedman Architect
Bainbridge Is., Washington | |
| ➤ Alaska Finishes
Fairbanks, Alaska | ➤ Kelley Hegarty & Associates
LLC
Fairbanks, Alaska | |
| ➤ Alaska Marketing
Consultants
Anchorage, Alaska | ➤ Nana Pacific LLC
Anchorage, Alaska | ➤ Tew's Excavation Inc
Big Lake, Alaska |
| ➤ Cruz Construction Inc
Palmer, Alaska | ➤ Platt Environmental Inc
Anchorage, Alaska | ➤ Valley Illuminators
Federal Way, Washington |
| ➤ Drake Construction Inc
Kotzebue, Alaska | ➤ Sanders & Associates Inc
Bellevue, Washington | |
| ➤ Iliamna Natives Limited
Iliamna, Alaska | ➤ Shaan-Seet Inc
Craig, Alaska | |

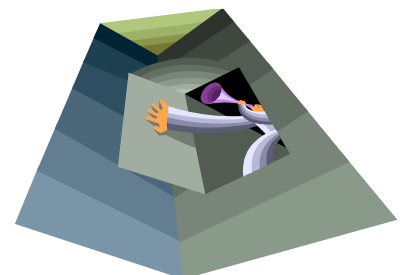


Notes & News About Certification



Newly Certified Firms

- **AK Sealco**
Anchorage, Alaska
Line of Work:
Non-Construction Contractor:
Asphalt Coating, Sealing, Residential and Commercial Parking Lot, and Driveway
- **Alaska Pizza Company LLC**
Anchorage, Alaska
Line of Work: Eating Places-Concession
- **Dihthaad Global Services LLC**
Anchorage, Alaska
Line of Work:
Construction: Camp Facilities; Campground/Roadside/Trail appurtenances; Carpentry—Finish and Rough/Framing; Clearing/Grubbing (Mechanical and Hand); Concrete—Cast-in-Place, Curb/Gutter/Sidewalk, Cutting/Coring/Sawing, Finishing/Special Coatings, Foundations/Slabs, and Masonry/Stonework; Demolition of Structures; Earthwork—Excavation & Embankment and Site Work; Erosion Control—Armor Mat and Rip Rap; Exterior Buildings—Painting/Sandblasting/Sealants and Roofing; Fencing; Flooring; Guardrail; Hazardous Material Removal/Remediation; Hydroseeding; Interior Finishing—Insulation, Paint/Wallpaper/Tile, Sheetrock/Drywall Installation, and Tape/Texture; Landscaping; Metal Buildings Erection; Mobilization/Demobilization; Steel Erection-Buildings; Steel-Reinforcing/Installation; Surveying Unlicensed; Traffic Markings-Painted; Underground-Sewer/Water Line Installation
Other: Non-Construction Contractor
- **Margaret Mazurkiewicz Design**
Seattle, Washington
Line of Work:
Consultant: Interior Design
- **Mobilestrat Inc**
Trenton, New Jersey
Line of Work:
Construction: Telecommunications—Line Voltage
- **Oceanus Alaska**
Juneau, Alaska
Line of Work:
Consultant: Environmental; Permitting; Photogrammetry & Mapping
- **Padgett Engineering**
Anchorage, Alaska
Line of Work:
Business Services: Administrative Management and General Management Consulting Services, Marketing Consulting Services
- **Precision Pavement Markings**
Anchorage, Alaska
Line of Work:
Construction: Asphalt Paving—Pavement Grooving and Rotomilling; Campground/Roadside/Trail Appurtenances; Hydroseeding; Landscaping; Standard Highway Signs (Permanent Installation); Traffic Markings—Methylmethacrylate, Painted, and Thermoplastic
- **Skaugstad Environmental Services**
Fairbanks, Alaska
Line of Work:
Consultant: Public Involvement
- **Suulutaaq LLC**
Anchorage, Alaska
Line of Work:
Construction: Asphalt Paving-Rotomilling; Campground/Roadside/Trail appurtenances; Clearing/Grubbing (Mechanical); Demolition of Structures; Earthwork—Excavation & Embankment and Site Work; Erosion Control—Armor Mat and Rip Rap; Fencing; Hazardous material Removal/Remediation; Hydroseeding; Marine Docks; Mobilization/Demobilization; Telecommunications-Low Voltage; Underground—Petroleum/Oil/Lubricant and Sewer/Water Line Installation
- **The Business MD LLC**
Anchorage, Alaska
Line of Work:
Business Service: Management Consulting Services, Professional and Management Development Training
- **TLP-EPL Enterprises Inc**
El Paso, Texas
Line of Work:
Non-Construction Supplier: Safety Eyewear – Prescription/Non-Prescription
- **Warning Lites of Alaska Inc**
Anchorage, Alaska
Line of Work:
Supplier: Barricades/Devices; Fencing; Signs-Permanent/Temporary; Steel
Construction: Standard Highway Signs (Permanent Installation)



CIVIL RIGHTS OFFICE — STAFF MEMBERS

CRO Manager—Jon Dunham

Responsible for overall Civil Rights Programs implementation and reporting to Federal Highway Administration, Federal Aviation Administration, and Federal Transit Administration for Alaska Department of Transportation and Public Facilities. Overall supervision of the Civil Rights Office Staff.

Compliance Programs—

Renease D Bagsby Performs contract compliance reviews and enforcement of external EEO, DBE, and OJT programs. Administers the Title VI program under the Civil Rights Act of 1964. Investigates discrimination complaints. Administers department ADA Program. Directly supervises compliance program staff.

Valerie Fletcher-Mitchell Performs audits of ADOT&PF programs and sub-recipients of federal assistance funds based on Title VI of the Civil Rights Act of 1964. Reviews Environmental Documents for compliance with Title VI of the Civil Rights Act of 1964 and the Environmental Justice Executive Order. Provides technical assistance, oversight, and training of ADOT&PF personnel and Federal Highway Administration sub-recipients on Title VI requirements and compliance.

Stacy Seibert Performs contract compliance reviews and enforcement of external EEO, DBE, and OJT programs. Assists in administering the department's Title VI and ADA programs.

Mary Caterinichio Maintains the Civil Rights Office database and works with contractors and Federal Highway Administration and Federal Aviation Administration on numerous aspects of reporting.

DBE Certification—

Eileen Oliver Administers the DBE certification program by coordinating functions between Alaska Unified Certification Program Members, DBEs, and various agencies representing minority or women owned, small or disadvantaged businesses. Oversees certification outreach, processing of DBE applications, recertifications and annual reviews.

Linda K Babb Assists businesses with navigating the DBE certification process. Conducts outreach, validates applications and performs recertifications and annual reviews. Liaison for the Alaska Unified Certification Program.

Sharon White-Wheeler Assists businesses with navigating the DBE certification process. Conducts outreach, validates applications and performs recertifications and annual reviews.

Support Services—Beckie M Oliva

Administers the DBE and OJT Support Services programs, working with contractors bidding on Alaska Department of Transportation and Public Facilities projects.

Administrative Staff—

Judi Flitter Assists with the budget for the Civil Rights Office, provides office support and assists with the 75% reimbursement training program.

Anna J Kline Handles all incoming communication with the Civil Rights Office and supports the administrative functions of the Civil Rights Office staff.

Alaska Department of Transportation and Public Facilities Civil Rights Office

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