

**LISTENING SESSION ON
DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM
NOTICE OF PROPOSED RULEMAKING
Thursday, December 5, 2013
U.S. Department of Transportation Auditorium**

11:00 am – 11:15 **Opening Remarks:** Kathryn Thomson, Acting General Counsel

Session Procedures: Carmela Vaccarella, Facilitator

DOT Panel: Jo Anne Robinson, Office of the General Counsel
Marc Pentino, Departmental Office of Civil Rights
Leonardo San Roman, Office of Small and Disadvantaged Business Utilization
Warren Whitlock, FHWA Office of Civil Rights
Linda Ford, FTA Office of Civil Rights
Mamie Mallory, FAA Office of Civil Rights

11:15 am – 12:00 pm **Speakers on Topic No. 1:**

What are the specific, quantifiable costs and benefits associated with completing or reviewing the proposed forms (PNW, Certification Application, Uniform Reports, DBE Payment Data) from the perspective of a certifying entity, an applicant firm, or a recipient (where applicable)?

1. Robert Ashby
2. Frank Cara, Judlau Contracting
3. Joann Payne, Women First
4. Sharon Maxwell, Boanerges Group/Bratton Cons. Co.
5. Kenneth Canty, Freeland Construction Company, Inc.
6. Brian Deery, AGC of America
7. Michael Berry, MPBerry Insurance Agency
8. Leslie Saunders, Leslie Saunders Insurance Agency, Inc.
9. Sarah von der Lippe, Law Office of Sarah C. von der Lippe

12:00 pm – 12:15 pm **Rebuttal or Comments from Audience on Topic No. 1/Open Chat Rooms**

12:15 pm – 1:30 pm **Speakers on Topic No. 2:**

What are the specific, quantifiable costs and benefits associated with requiring certified DBEs to submit additional documents with the annual no change affidavit from the perspective of a certifying entity and a certified DBE?

1. Gregory Jenifer, Armand Resource Group, Inc.

2. Robert Ashby
3. Meg Rietschlin, Rietschlin Construction Inc.
4. Amy Hall, Ebony Construction
5. Frank Cara, Judlau Contracting
6. Sharon Maxwell, Boanerges Group/Bratton Cons. Co.
7. Susan Wendt, Wendt Productions, Inc.
8. Nicholle O'Malley, Regent Development Consulting
9. Kenneth Canty, Freeland Construction Company, Inc.
10. Sharon Arnold, SSACC, Inc.
11. Toya Ester, J&B Steel Erectors, Inc.
12. Leslie Saunders, Leslie Saunders Insurance Agency, Inc.
13. Dwayne Sampson, Transportation Diversity Council
14. Sarah von der Lippe, Law Office of Sarah C. von der Lippe
15. Jerry Hanner, JM Hanner Construction

1:30 pm – 1:45 pm **Rebuttal or Comments from Audience on Topic No. 2/Open Chat Rooms**

1:45 pm – 2:00 pm **Break**

2:00 pm – 4:10 pm **Speakers on Topic No. 3:**

What are the specific, quantifiable costs and benefits associated with requiring good faith efforts documentation when bids are due and requiring additional documents (i.e., DBE and non-DBE quotes, DBE subcontracts) from the perspective of a prime contractor, a DBE, and the recipient letting the contract)?

1. Gregory Jenifer, Armand Resource Group, Inc.
2. Rich Juliano, American Road & Transportation Builders Association
3. Robert Ashby
4. Meg Rietschlin, Rietschlin Construction Inc.
5. Lorraine D'Angelo, Dragados USA
6. Felice Farber, New York Road and Infrastructure Improvement Association
7. Kathryn D'Agostino, JMD Enterprises LLC
8. Brad Hubbert
9. Jeffrey Cruz, E.E. Cruz & Company, Inc.
10. Frank Cara, Judlau Contracting
11. Sharon Maxwell, Boanerges Group/Bratton Cons. Co.
12. Samuel Williams, IDS Global
13. Nicholle O'Malley, Regent Development Consulting
14. Renee Banks, G.W. Peoples Contracting Co., Inc.
15. Brian Deery, AGC of America
16. Marcela Alcantar, Diversified Builders and Engineers Council
17. Frank Lopez, US Hispanic Construction Association

18. Bradly Hubbert, RA Smith Asphalt
19. Leslie Saunders, Leslie Saunders Insurance Agency, Inc.
20. Carl Brown, Center for Minority Business Development
21. Harley Hampton, Delon Hampton & Associates, Chartered
22. Charles Gibbs, Georgia United Truckers Association, Inc.
23. Sarah von der Lippe, Law Office of Sarah C. von der Lippe
24. Cleveland Carter, Cleveland Carter Enterprise Inc
25. Jerry Hanner, JM Hanner Construction
26. Denise Richardson, General Contractors Association of New York

4:10pm – 4:30 pm **Rebuttal or Comments from Audience on Topic No. 3/Open Chat Rooms**

4:30 pm **Closing Remarks**

DBE NPRM LISTENING SESSION PROCEDURES

Thank you for registering to attend the Disadvantaged Business Enterprise (DBE) Notice of Proposed Rulemaking (NPRM) Listening Session. The Department of Transportation looks forward to hearing from you about the proposed changes to the DBE program rules.

CHECK IN:

- Persons registered to attend the DBE NPRM Listening Session should plan to arrive no later than 10:30 am to go through security procedures at the Visitors Center located in the lobby of the West Building at 1200 New Jersey Avenue, SE, Washington, DC. Staff will be on hand beginning at 10:00 am.
- To enter the facility, all visitors must have a photo ID (i.e., state issued driver's license). If the visitor does not have a photo ID, that person will not be permitted to enter the facility. All visitors and any items brought into the facility will be required to go through security screening.
- After you go through security, you will be escorted to the check-in desk near the Media Center auditorium. At check-in you will be given three color coded index cards to be used during the session. Each of the three topics described in the Federal Register notice will be assigned a color (Topic no. 1 = green; Topic no. 2 = blue; and Topic no. 3 = pink). The cards will be used to verify correct spelling of your name and organization if you speak during the rebuttal period of the listening session.
- The listening session will begin promptly at 11:00 am.

SPEAKERS:

- The session is structured to receive comments on three specific aspects of the DBE NPRM of particular interest to the Department. Each topic will be addressed separately.
- Each speaker will be given 5 minutes to comment on the specific topic of the hour. Speakers will present their comments from a podium set up for that purpose.
- Please state your name and who you represent before you begin to speak. A transcript of the comments received during the session will be placed in the docket before the comment period closes on December 26, 2013.
- The session is structured to maximize the opportunity to listen to public concerns on specific aspects of the proposed changes. Therefore, members of the DOT Panel may ask clarifying questions of the speaker if necessary. There will not be a question and answer period during the session where speakers ask questions of the Department.

REBUTTAL PERIOD:

- At the end of presentations by the speakers on a specific topic, members of the audience (listeners and speakers) will be given an opportunity to comment in response to views or information provided by speakers.

- Any member of the audience interested in speaking is asked to write his/her name and organization on the color coded index card that corresponds to the specific topic to be addressed. Index cards will be collected by staff.
- Rebuttal comments will be limited to one minute.

WEB CONFERENCE PARTICIPANTS:

- Only registered participants will be able to participate in the web conference portion of the listening session. To log into the chat room, please select “Guest” and type in the name you used to register, followed by your organization—e.g. “John Smith, Acme Inc.”
- If you have never attended an Adobe Connect meeting before, test your connection prior to the date of the session at https://connectdot.connectsolutions.com/common/help/en/support/meeting_test.htm
- Make sure you enter the room 15 minutes before 11:00 am to reduce any technical difficulty.
- The web chat rooms will open for comments during the rebuttal period. If comments are submitted, please state your name and organization before you begin your comment.
- The Department will not respond to questions posed through the chat room.
- All comments submitted through the chat room will be placed in the NPRM docket.

REMINDER:

- The comment period for the DBE NPRM is extended to December 26, 2013. You may submit comments by going to www.regulations.gov (follow the online instructions), by mail, by hand delivery, or by fax. See Federal Register notice at 78 FR 68016.