

Supporting Statement for
Disadvantaged Business Enterprise Supportive Services (DBE/SS)
Statement of Work Template and Accomplishments Report Form

Introduction: The Federal Highway Administration (FHWA), Office of Civil Rights (HCR), has legislative authority under 23 USC 140(c) to allocate up to \$10 million annually to State DOTs for the purpose of providing services to Disadvantaged Business Enterprises (DBEs) to improve their ability to compete on federally assisted contracts as prime and subcontractors. The regulations for the DBE/SS program are found in 230 Subpart B – Supportive Services for Minority, Disadvantaged, and Women Business Enterprises (the DBE/SS program is a FHWA discretionary grant program that has been identified as a Departmental and FHWA equity initiative). DBE/SS is also included in the Department's Justice 40 initiative.

To be eligible for funding for the DBE/SS program, State DOTs must submit a Statement of Work (SOW) to FHWA for review and approval for compliance with program intent, regulatory requirements, and federal cost principles. As a discretionary grant program, State DOTs receiving funding must provide reports to the FHWA to evaluate the progression of the program. While HCR has created guidance for State DOTs to follow in creating their SOWs, they are currently submitted in paper form and the contents and size of the submissions vary. Similarly, the reports from State DOTs are not uniform and do not always include the information necessary for FHWA to evaluate the success of the program.

To address this, HCR has created a DBE/SS fillable SOW template and a DBE/SS Accomplishments Report for State DOTs to use to replace paper submissions. This template and report form are new and will be accessible electronically through the Civil Rights Connect System. While use of the SOW template will be voluntary, it will allow HCR to receive SOWs that are uniform in content and size. This will allow HCR to streamline its review and approval process in order to distribute funding in a more timely manner. Furthermore, the annual report will be required annually and will allow HCR to collect essential statistical and narrative data needed to evaluate the effectiveness of State DOT DBE/SS programs nationally.

Part A. Justification.

1. Circumstances that make collection of information necessary:

The DBE/SS regulations ([23 CFR 230.204 \(c\)](#)) require State DOT recipients to provide a detailed SOW outlining the proposed services and budget, approximated, based on the provided estimated funding allocation. State DOTs

must submit a SOW that conforms to the purpose of the program, regulatory requirements, and federal cost principles to be eligible for funding. State DOTs send their proposed SOWs to the respective FHWA Division Office for review and approval, and the Division Offices send the SOWs to HCR for concurrence and obtaining approvals necessary for allocating funds. While HCR has created guidance for State DOTs to follow in creating their SOWs, currently are submitted in paper form and the contents and size of the submissions vary. Providing State DOTs with a SOW template available through the Civil Rights Connect System will streamline the SOW creation, submission, review, and approval process.

The DBE/SS regulations ([23 CFR § 230.204\(h\)](#)) require State DOT recipients to provide reports to FHWA as a condition of receiving federal funding. Although the regulations require reporting, there is no prescribed format for reporting this information to FHWA. Thus, FHWA receives varied reports that often lack the critical information necessary to evaluate whether the metrics identified in the State DOT's Statements of Work have been met, and the number and demographic breakdown of DBEs that have participated in the program. Without this data provided in a manner that can easily be converted into national reports, FHWA is unable provide meaningful stewardship and oversight or to measure the effectiveness of DBE/SS Programs nationally. The national picture created by this report will enable HCR to indicate notable implementation efforts and improve its deployment of technical assistance to FHWA divisions offices. Also, standardized data will improve FHWA's ability to meaningfully respond to stakeholder inquiries, including Congress, regarding program accomplishments. Further, with standardized data of program results, FHWA can better support requests for additional funding.

The information required to populate the DBE/SS SOW template is based on existing requirements found in [23 CFR 230, Subpart C](#); therefore, State DOTs should have information to populate the SOW readily available. The information will merely be entered in an electronic fillable form as opposed to submitting a paper copy. The electronic system will also directly pre-populate the State's Annual Accomplishment Report with the metrics identified in the State's SOW. The information FHWA proposes to collect in its DBE/SS Accomplishment Report is based on existing reporting requirements found in [23 CFR 230, Subpart B](#) and the State DOT's individual detailed statement of work; therefore, State DOTs should have this information readily available. In addition, the fillable format will streamline the State's reporting process by eliminating the States' need to duplicate language from the SOW into the Annual Report.

While the requirements will not change, use of the SOW template and Accomplishment Report form will benefit State DOTs and FHWA by making the submissions more uniform in size and content, streamlining the submission and review process, and pair the performance metrics more easily with their accomplishments. By providing the SOW template along with this reporting format, FHWA aims to improve its stewardship and oversight of the DBE/SS

Program, while ensuring State DOTs are effectively administering these discretionary grants for the benefit of DBEs.

2. How, by whom, and for what purpose is the information used:

The information requested through the DBE/SS SOW template and Accomplishments Report will be collected through the existing Civil Rights Connect (CRC) reporting system that is currently used by FHWA and State DOTs. State DOT civil rights personnel with system access will coordinate within their organizations to complete the SOW within 45 days of request, determined by when the funding is made available. The SOW review process will not change. HCR and Division Offices review SOWs to ensure the proposed activities demonstrate the ability to directly assist DBE firms, comply with regulatory requirements, and federal cost principles. Once SOWs are approved, FHWA seeks approval to allocate the funds.

State DOT civil rights personnel with system access will coordinate within their organizations to gather and enter the requested accomplishment report data by July 31st of each year. HCR will aggregate the data for each year and analyze it periodically to identify notable practices and areas of needed improvements to assist with targeted technical assistance for the program. Further the data will allow meaningful contributions to the Department's equity efforts and allow FHWA to meaningfully respond to stakeholder requests, including Congressional requests. As stated above, with standardized data of program results, FHWA can better support requests for additional funding.

3. Extent of automated information collection:

As stated in "2." Above, this information will be primarily collected electronically using the existing CRC reporting system. However, this will not prevent State DOTs from submitting this information manually when circumstances dictate. Currently, State DOTs will email a word document to the Division who uploads the file to SharePoint. There is not a standardized format. All State DOTs have designated personnel who regularly use the CRC reporting system.

4. Efforts to identify duplication:

The DBE/SS SOW template and the DBE/SS Accomplishments Report forms provides State DOTs with a format in which to submit information that is required by 23 CFR 230.204 without creating a duplicative request. This will replace and simplify the current system of paper submissions. The objectives and metrics provided in the SOW Template will be in fillable format and the system provides the added benefit of directly prepopulating each State's Accomplishment Report with the metrics identified in the SOW. This avoids the State DOTs having to duplicate entry from SOW to Report and permits HCR to more accurately assess whether the identified metrics were achieved.

5. Efforts to minimize the burden on small businesses:

The DBE/SS SOW template and Accomplishments Report forms does not impose any burden to small businesses.

6. Impact of less frequent collection of information:

The DBE/SS regulations require State DOTs to submit a SOW for eligibility to receive DBE/SS discretionary grant funds annually. The timing of the requirement remains the same, but the process is made more efficient. FHWA will request the Accomplishment report annually instead of monthly or quarterly as set forth in the regulations. The fillable format will streamline the State's reporting and decrease the time needed to provide lengthy narratives that are often overinclusive of information that is unnecessary to evaluate program success. The new reporting structure will lessen the burden on State DOTs that are recipients of these funds, allowing them to focus on substantive oversight of program implementation.

7. Special circumstances: There are no special circumstances associated with this collection.

8. Compliance with 5 CFR 1320.8:

A 60-day notice was published in the Federal Register Vol. 88, No. 185, page 66122-66123, on September 26, 2023. A total of two comments were provided.

A comment was posted on October 18, 2023 to the Regulations.gov website from the Arizona Department of Transportation with no contact information for a response. The comment stated, "On behalf of Arizona Department Of Transportation, we agree that an SOW template made available through the Civil Rights Connect System will streamline the SOW creation, submission, review, and approval process and will benefit ADOT by making the submissions more uniform in streamlining the submission and review process, and pair the performance metrics more easily with our accomplishments."

A comment was posted on November 27, 2023 to the Regulations.gov website from WhoPoo App with no contact information for a response. The comment stated, "This activity is pointless due to the large amount of illegal immigrants who refuse to learn and understand English. 6.4 million illegal immigrants living in US, 725,000 are Indians. Indians are the third largest group of illegal immigrants. They speak a variety of languages such as Hindi, Parsi and Tamil. They are more likely to get into automobile accidents due to their refusal to understand English language signs. The total number of unauthorized immigrants in the U.S. from countries other than Mexico has grown rapidly. In 2021, this population was 6.4 million, up by 900,000 from 2017. With this many people on the roads, and none of them paying taxes (no social security numbers) the FHA will have

extreme difficulty with its infrastructure projects. Illegal immigrants are 14% of the American population. So that's 14% of everyone on the road not paying taxes to maintain those same roads.

The FHA should work with ICE to review road camera footage for false, missing or plagiarized vehicle tags to effectively deport the vast majority of illegals on the roads.”

9. Payments or gifts to respondents:

NONE

10. Assurance of confidentiality: There is no information associated with this collection that requires confidentiality.

11. Justification for collection of sensitive information: There is no sensitive information associated with this collection.

12. Estimate of burden hours for information requested:

The estimated number of hours for each of fifty-three (53) recipients to compile and submit the requested data is four (4) hours annually, per recipient, at an average hourly wage of \$35.89¹.

The total burden hours is 53 recipients x 4 hours = 212 total burden hours. The total cost for this collection is 212 hours x \$35.89 = \$7,609 (or \$143.56 per recipient).

13. Estimate of total annual costs to respondents:

There are no additional costs other than the hourly costs identified in 12. Above.

14. Estimate of cost to the Federal government:

HCR estimates a one-time contract cost of \$23,800 to create a DBE/SS Statement of Work Template and a DBE/SS Accomplishment Report module within the CRC system. These funds have already been approved.

An estimated eight (8) employee hours at an average hourly wage of \$52.23, representing a total cost of \$417.84, will be required annually to review national DBE/SS Statement of Work data and conduct national DBE/SS Accomplishment data analysis.

Total cost to the government is \$23,800 (contract cost) + \$417.84 (wages) = \$24,217.84

¹ [May 2022 National Occupational Employment and Wage Estimates \(bls.gov\)](https://www.bls.gov/news.release/ocwage.t01.pdf)

15. Explanation of program changes or adjustments:

None. This is a new submission.

16. Publication of results of data collection:

Submitted statements of work and accomplishment report forms will be filed within the CRC system. The results of DBE/SS Accomplishments analysis will be used annually for shared best practices and training materials. The data will also be shared with the Department and stakeholders upon request. This data will contribute toward the Department's equity efforts.

17. Approval for not displaying the expiration date of OMB approval:

HCR will display the expiration date of OMB approval as directed.

18. Exceptions to certification statement: None