

COMPLIANCE REVIEW REPORT
OF THE
CONNECTICUT DEPARTMENT OF TRANSPORTATION
(ConnDOT)
DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

August 2010

**Prepared for the
Federal Transit Administration
Office of Civil Rights**

by

Milligan & Company, LLC
105 N. 22nd Street, 2nd Floor
Philadelphia, PA 19103

Table of Contents

Section 1 - General Information	2
Section 2 – Jurisdiction and Authorities	3
Section 3 – Purpose and Objectives.....	4
Section 4 – Background Information.....	7
Section 5 – Scope and Methodology	13
Section 6 – Issues and Recommendations	16
1. DBE Policy Statement.....	16
2. DBE Liaison Officer	17
3. Financial Institutions	19
4. DBE Directory.....	21
5. Overconcentration	21
6. Business Development Programs.....	22
7. Determining/ Meeting Goals.....	23
8. Required Contract Provisions	30
9. Certification Standards.....	35
10. Certification Procedures.....	35
11. Record Keeping and Enforcements.....	36
12. Public Participation and Outreach.....	41
Section 7 – Summary of Findings.....	44
SECTION 8 - LIST OF ATTENDEES.....	48

SECTION 1 - GENERAL INFORMATION

Grant Recipient: Connecticut Department of Transportation
(ConnDOT)
2800 Berlin Turnpike
P. O. Box 317546
Newington, CT 06131-7546

City/State: Newington, CT

Grantee Number: 1334

Executive Official: Joseph F. Marie
Commissioner

On Site Liaison: Deborah Goss
Manager, Office of Contract Compliance
Phone: 860-594-2169

Report Prepared by: MILLIGAN AND CO., LLC
105 N. 22nd Street, 2nd Floor
Philadelphia, PA 19103
(215) 496-9100

Site visit Dates: June 2-4, 2009

Compliance Review Team
Members: Sandra Swiacki, Lead Reviewer
Benjamin Sumpter
Renee Moore

SECTION 2 – JURISDICTION AND AUTHORITIES

The Federal Transit Administration (FTA) Office of Civil Rights is authorized by the Secretary of Transportation to conduct civil rights compliance reviews. The reviews are undertaken to ensure compliance of applicants, recipients, and subrecipients with Section 12 of the Master Agreement, Federal Transit Administration M.A., (15), October 1, 2008 and 49 CFR Part 26, “Participation by Disadvantaged Business Enterprises in Department of Transportation (DOT) Programs.”

The Connecticut Department of Transportation (ConnDOT) is a recipient of FTA funding assistance and is therefore subject to the Disadvantaged Business Enterprise (DBE) compliance conditions associated with the use of these funds pursuant to 49 CFR Part 26. These regulations define the components that must be addressed and incorporated in ConnDOT's DBE program and were the basis for the selection of compliance elements that were reviewed.

SECTION 3 – PURPOSE AND OBJECTIVES

PURPOSE

The FTA Office of Civil Rights periodically conducts discretionary reviews of grant recipients and subrecipients to determine whether they are honoring their commitment, as represented by certification to FTA, to comply with their responsibilities under 49 CFR Part 26. In keeping with its regulations and guidelines, FTA has determined that a compliance review of the Connecticut Department of Transportation's (ConnDOT) Disadvantaged Business Program Plan is necessary.

The primary purpose of the compliance review is to determine the extent to which the Connecticut Department of Transportation (ConnDOT) has met its DBE program goals and objectives, as represented to FTA in its Disadvantaged Business Enterprise Program Plan. This compliance review is intended to be a fact-finding process to: (1) examine ConnDOT's Disadvantaged Business Enterprise Program Plan and its implementation, (2) make recommendations regarding corrective actions deemed necessary and appropriate, and (3) provide technical assistance.

This compliance review is not to directly investigate whether there has been discrimination against disadvantaged businesses by the grant recipient or its subrecipients, nor to adjudicate these issues on behalf of any party.

OBJECTIVES

The objectives of DOT's DBE regulations, as specified in 49 CFR Part 26, are to:

- ensure nondiscrimination in the award and the administration of DOT-assisted contracts in the Department's financial assistance programs;
- create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
- ensure that the Department's DBE program is narrowly tailored in accordance with applicable law;
- ensure that only firms that fully meet this part's eligibility standards are permitted to participate as DBEs;
- help remove barriers to the participation of DBEs in DOT-assisted contracts;
- assist the development of firms that can compete successfully in the marketplace outside the DBE program; and

- provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

The objectives of this compliance review are to:

- determine whether ConnDOT is honoring its commitment represented by its certification to FTA that it is complying with its responsibilities under 49 CFR Part 26, “Participation by Disadvantaged Business Enterprises in DOT Programs”;
- examine the required components of ConnDOT’s Disadvantaged Business Enterprise Program Plan against the compliance standards set forth in the regulations and to document the compliance status of each component; and
- gather information and data regarding the operation of ConnDOT’s Disadvantaged Business Enterprise Program Plan from a variety of sources – DBE program managers, other ConnDOT management personnel, DBEs, and prime contractors.

SECTION 4 – BACKGROUND INFORMATION

ConnDOT provides public transportation services, both bus and rail, to the citizens of Connecticut through the state-owned CT Transit bus system, bus services managed and operated by transit districts, and the New Haven Line and Shore Line East rail services. These services are delivered through contract agreements with numerous operators, including transit districts, private bus operators, and railroads. ConnDOT manages the capital investment required to operate these services along with providing the necessary operating assistance. ConnDOT is the applicant for most of the federal grants and heavily subsidizes all these services by providing the vast majority of the non-federal capital funds. ConnDOT also subsidizes bus and paratransit services provided by 13 independent transit districts in the state.

ConnDOT is a designated recipient for FTA funding. Other Section 5307 direct recipients in the state include the City of Stamford, Greater Bridgeport Transit Authority, Greater Hartford Transit District, Greater New Haven Transit District, Housatonic Area Regional Transit, Middletown Transit District, Milford Transit District, Norwalk Transit District, South East Area Transit, and Valley Regional Planning Agency. These entities have the authority to apply directly to FTA for assistance. The entities that share this designation with ConnDOT use FTA assistance and/or state and local funds to support fixed-route urban transit, ADA paratransit, and demand-responsive service for elderly persons and persons with disabilities that do not qualify for ADA complementary paratransit service.

The Governor has designated ConnDOT as the agency responsible for administering the Section 5310, 5311, 5316 and 5317 programs.

Urban Fixed-Route Bus Operations

ConnDOT contracts with four private companies to operate and/or manage the state-owned CT TRANSIT fixed-route service:

- HNS Management and Service Company, Inc. (HNS), a subsidiary of First Transit, operates in Hartford, New Haven, and Stamford.
- DATTCO operates in New Britain.
- New Britain Transportation Company, Inc. operates in New Britain and Bristol.

- North-east Transportation Company, Inc. operates in Waterbury, Meriden, and Wallingford.

The companies operate FTA-funded ConnDOT equipment that displays the CT Transit logo.

ConnDOT also contracts (through subsidy agreements) with seven transit districts to provide fixed-route service in urbanized areas (UZA) as follows:

- Housatonic Area Regional Transit operates in the Danbury UZA.
- Greater Bridgeport Transit Authority, Norwalk Transit District, Milford Transit District and Valley Council of Governments (VCOG)/Valley Transit District operate in the Bridgeport UZA.
- Southeast Area Transit operates in the Norwich-New London UZA.
- Middletown Transit District operates in the Hartford UZA.

These operators display the logos of their transit districts. They apply directly to FTA for capital assistance to purchase the buses used in the service. ConnDOT provides the 20 percent local match for capital assistance and approximately 95 percent of the operating deficit, with the remainder coming from local funds.

Urban Complementary Paratransit

ConnDOT contracts with 11 entities to provide complementary paratransit service to the state-supported fixed-route services: Central Connecticut Regional Planning Agency, Greater Bridgeport Transit Authority, Greater Hartford Transit District, Greater New Haven Transit District, Housatonic Area Regional Transit District, Middletown Transit District, Milford Transit District, North-east Transportation Company, Norwalk Transit District, Southeast Area Transit and Valley Transit District.

Except for Central Connecticut Regional Planning Agency and North-east Transportation Co., these operators apply directly to FTA for capital assistance to purchase buses. Central Connecticut contracts with DATTCO, a private operator with its own equipment, to provide its service. North-east Transportation operates vehicles purchased by ConnDOT with Federal assistance. The paratransit fleet displays the operators' logos.

ConnDOT provides 100 percent of the deficit for operations that provide the complementary service to the state-owned CT TRANSIT service, and approximately 90 percent for transit district-operated ADA paratransit.

Express Commuter Bus Service

ConnDOT contracts with four private operators to provide express commuter service: Arrow/Peter Pan, Collins, DATTCO, and Kelley/Nason. Arrow and Collins/Peter Pan provide express service on the I-84 high occupancy vehicle (HOV) lanes. Greater Hartford Transit District leases buses purchased with direct FTA assistance to the four private operators. The buses display the appropriate operator's logo and display that the buses are leased by Greater Hartford.

Rural Transportation Service

ConnDOT has five Section 5311 subrecipients: Estuary Transit District, Middletown Transit District, Northeastern Connecticut Transit District, Northwestern Connecticut Transit District, and Windham Transit District. Middletown Transit also serves an urbanized area and receives 5307 assistance directly from FTA. Windham Transit and Middletown Transit operate fixed-route and demand-responsive service. The other operators provide both deviated fixed-route and demand-responsive service. The vehicles display the logo of the appropriate operator.

Rail Services

The commuter rail network in Connecticut includes the New Haven Line (NHL) and Shore Line East services. The NHL is a commuter rail service, owned by Connecticut, which operates between New Haven, Connecticut, and Grand Central Terminal in New York City, with three branch lines that service New Canaan, Danbury and Waterbury. The Department owns the main line track from the New York state border to New Haven, the branch line tracks, maintenance facilities, most stations, and over 60 percent of the equipment.

Shore Line East (SLE) is a commuter rail service between New London and New Haven that is owned by Connecticut and operated by Amtrak under a service agreement with the Department.

The Department owns the equipment that is provided for the service and Amtrak provides the train crews and performs all associated maintenance and mechanical functions.

Capital Projects

Since 1984, the Bureau has had a comprehensive twenty-year transit capital plan in place. Formal procedures were established in 1988. The plan has been updated, expanded, and improved over the years and formal procedures have evolved. The plan is referred to as the Bureau of Public Transportation's 20-year Transit Capital Project Management Plan (Bureau Capital Plan). The Bureau Capital Plan identifies and programs all transit capital projects for the next twenty years and includes an estimated cost for each project. The fiscally constrained Bureau Capital Plan forecasts and programs the capital needs associated with all bus and rail capital projects administered or approved by the Bureau. This includes all capital projects necessary to support two commuter railroads, CT Transit bus and paratransit operations in 8 urban areas and bus and paratransit operations in thirteen areas.

Funds are programmed to invest in projects that ensure safety, maintain the existing transportation infrastructure, increase the productivity of the transportation system, promote economic development, and provide necessary capacity enhancements. The plan effectively utilizes all federal and state funds.

ConnDOT Oversight Responsibilities

ConnDOT, when acting as grantee, is responsible for ensuring compliance with Federal requirements. The roles and responsibilities for oversight are as follows:

- ConnDOT participates in selected MNR procurements using FTA funds. Before participating in the procurements, ConnDOT must ensure that the procurements comply with Federal requirements, as MNR may not use FTA funds to support all their procurements.
- Fixed-Route Contractors (State-Owned CT TRANSIT System) - HNS, DATTCO, New Britain Transportation, and North-east Transportation operate equipment that ConnDOT purchased with Section 5307 and 5309 assistance. HNS operates out of ConnDOT-owned, federally-funded facilities. ConnDOT procures all large capital items used for the CT TRANSIT service but provides HNS with FTA capital assistance for selected small capital purchases.

ConnDOT is responsible for Satisfactory Continuing Control over and ensuring that contractors provide maintenance for FTA-funded equipment and facilities. In addition, ConnDOT must demand contractors comply with

FTA requirements relating to Half-Fare, ADA, Charter Bus service, School Bus service, Drug and Alcohol testing, and equal opportunity employment (EEO). ConnDOT is also responsible for ensuring that contractors who purchase capital items on its behalf or who operate in areas for which ConnDOT applied for operating assistance comply with FTA procurement, Buy America, disadvantaged business enterprises (DBE's), debarment/suspensions, and lobbying requirements.

- Complementary Paratransit Operators - Greater Bridgeport Transit Authority, Greater Hartford Transit District, Greater New Haven Transit District, Housatonic Area Regional Transit District, Middletown Transit District, Milford Transit District, Norwalk Transit District, Southeast Area Transit and Valley Transit District operate federally-funded equipment procured with grants direct from FTA. Therefore, FTA assumes responsibility for oversight.

ConnDOT contracts for complementary paratransit service for its state-owned fixed-route services. In those cases, ConnDOT is responsible for ensuring that the contracted service complies with the applicable ADA requirements, including maintenance of ADA accessibility features. This includes Central Connecticut Regional Planning Agency which contracts with DATTCO, who provides service with its own fleet. ConnDOT is responsible for ensuring DATTCO complies with ADA complementary paratransit service requirements, including maintenance of ADA accessibility features. It also includes North-east Transportation Company which operates FTA-funded vehicles titled to ConnDOT. Therefore, ConnDOT is responsible for maintaining satisfactory continuing control over the vehicles and for ensuring that North-east maintains the equipment and complies with ADA, charter bus service, school bus service, drug and alcohol testing and EEO requirements.

- Express Bus Contractors – Greater Hartford Transit District is responsible for oversight of the preservation of capital assets for the four private contractors of express bus service. ConnDOT is responsible for overseeing the operations of these services.
- Section 5311 – ConnDOT provides Section 5311 capital and operating assistance and state funds to its five rural operators. ConnDOT is responsible for monitoring four of the five providers that do not receive Section 5307 funds directly from FTA: Estuary, Northeastern Connecticut, Northwestern Connecticut, and Windham. ConnDOT is only responsible for

ensuring that Middletown Area Transit District complies in areas specific to Section 5311: opportunity for public hearing for applications for Section 5311 capital, makes available and promotes the service to the general public, properly allocates costs between urban and rural service, and complies with Federal procurement requirements.

- Section 5310 – ConnDOT is responsible for monitoring its Section 5310 subrecipients for all Federal requirements applicable to the Section 5310 program in accordance with the Section 5310 State Management Plan. ConnDOT awards grants to Section 5310 subrecipients who then procure vehicles through Greater New Haven Transit District’s consolidated vehicle procurement or off a procurement conducted by another transit district. ConnDOT is responsible for ensuring that subrecipients comply with Federal requirements when subrecipients purchase the vehicles.
- Section 5316 – Job Access and Reverse Commute – ConnDOT has full responsibility for the selection and monitoring of recipients of Section 5316 funding.
- Section 5317 – New Freedom - ConnDOT has full responsibility for the selection and monitoring of recipients of Section 5317 funding.

SECTION 5 – SCOPE AND METHODOLOGY

Scope

Implementation of the following twelve required DBE program components specified by the FTA are reviewed in this report.

1. A signed policy statement expressing a commitment to use DBEs in all aspects of contracting to the maximum extent feasible must be signed, dated and distributed [49 CFR 26.23].
2. Designation of a liaison officer and support staff as necessary to administer the program, and a description of the authority, responsibility, and duties of the officer and the staff [49 CFR 26.25].
3. Efforts made to use DBE financial institutions, by the recipient as well as prime contractors, if such institutions exist [49 CFR 26.27].
4. A DBE directory including addresses, phone numbers and types of work performed, must be made available to the public and updated at least annually [49 CFR 26.31].
5. The recipient must determine if overconcentration exists and address this problem if necessary [49 CFR 26.33].
6. Assistance provided to DBEs through Business Development Programs to help them compete successfully outside of the DBE program [49 CFR 26.35].
7. An overall goal must be based on demonstrable evidence of the availability of ready, willing, and able DBEs relative to all businesses ready, willing, and able to participate on a recipient's DOT-assisted contracts [49 CFR 26.43 – 26.53].
8. All contracts must include a non-discrimination clause, a prompt payment clause and must implement appropriate mechanisms to ensure compliance by all participants [49 CFR 26.13, 26.29, 26.37].
9. A certification process must be intact to determine if a potential DBE is legitimately socially and economically disadvantaged. The potential DBE

must submit an application, a personal net worth statement and a statement of disadvantage, along with the proper supporting documentation [49 CFR 26.67].

10. The certification procedure must include document review and an on-site visit and determine eligibility consistent with Subpart D of the regulations [49 CFR 26.83].
11. Implementation of appropriate mechanisms to ensure compliance with the part's requirements by all program participants. The DBE program must also include a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award is actually performed by DBEs [49 CFR Part 26.37]. Reporting must include information on payments made to DBE firms [49 CFR 26.11, 26.55].
12. In establishing an overall goal, the recipient must provide for public participation and then provide information on this goal to the public through published notices [49 CFR 26.45].

Methodology

The initial step in the scope of this Compliance Review consisted of consultation with the FTA Office of Civil Rights and a desk review of available information from FTA's TEAM System and other sources. Subsequent to this review, potential dates for the site visit were coordinated.

An agenda letter was then compiled and sent to ConnDOT by FTA's Office of Civil Rights. The agenda letter notified ConnDOT of the planned site visit, requested preliminary documents, and informed ConnDOT of additional documents needed and areas that would be covered during the on-site portion of the review. It also informed ConnDOT of staff and other parties that would potentially be interviewed.

The documents received prior to the on-site portion of the review were examined and an itinerary for the site visit was developed. An entrance conference was conducted at the beginning of the Compliance Review with ConnDOT staff and the review team.

Subsequent to the entrance conference, a review was conducted of ConnDOT's DBE plan and other documents submitted to the review team by the DBE Liaison Officer. Interviews were then conducted with ConnDOT regarding DBE program administration, record keeping and monitoring. These interviews included staff

from procurement, engineering, finance and project management. A sample of contracts were selected and reviewed for their DBE elements. Additionally, interviews with prime contractors, DBEs and interested parties were performed.

At the end of the review, an exit conference was held with ConnDOT staff and the review team. A list of attendees is included at the end of this report. At the exit conference, initial findings and corrective actions were discussed with ConnDOT.

Following the site visit, this draft report was compiled.

SECTION 6 – ISSUES AND RECOMMENDATIONS

DBE Policy Statement

Basic Requirement: (49 CFR Part 26.23) Recipients must formulate and distribute a signed and dated DBE policy, stating objectives and commitment to the DBE program. This policy must be circulated throughout the recipient's organization and to the DBE and non-DBE business communities.

Discussion: During this DBE Compliance Review, deficiencies were found with requirements for a policy statement. ConnDOT included a policy statement in their 2009 DBE Program Plan. The policy statement incorporates the objectives of 49 CFR Part 26 and assigns responsibility for the program to the Manager of Contract Compliance, the designated DBE Liaison Officer. The DBE policy is also posted on ConnDOT's website. However, neither policy is signed or dated. The only policy that appears to be signed and dated is the one signed by Stephen E. Korta, II, a prior Commissioner, on April 17, 2006. Furthermore, there was no evidence provided to the review team that the policy has been circulated to DBE and non-DBE business communities.

Corrective Action and Schedule: Within 60 days of the issuance of the final report, ConnDOT must submit to the Region I Civil Rights Officer evidence of a signed and dated policy statement that expresses ConnDOT's commitment to the DBE program, states its objectives and outlines its responsibilities for implementation. Additionally, ConnDOT is to provide evidence that the most recent statement was distributed throughout the organization and to the DBE and non-DBE business communities.

Grantee's Response: The DBE Policy Statement has been updated and distributed throughout ConnDOT. The policy has been distributed to both the DBE community and the non-DBE community. The updated policy statement and the distribution listing are located in Attachment A. The policy statement will also be mailed with each new certification application, update affidavit and application for recertification.

FTA's Response: FTA concurs with ConnDOT's response. This deficiency is now closed.

DBE Liaison Officer

Basic Requirement: (49 CFR Part 26.25) Recipients must have a designated DBE liaison officer who has direct and independent access to the CEO. This liaison officer is responsible for implementing all aspects of the DBE program and must have adequate staff to properly administer the program.

Discussion: During this DBE Compliance Review, deficiencies were found with the requirement for the DBE Liaison Officer. In ConnDOT's 2009 DBE Program Plan, the Manager of Contract and Compliance is noted as the DBE Liaison Officer. The plan further indicates that the Manager, along with other responsible officials is responsible for implementing all aspects of the program and ensuring ConnDOT's compliance with the regulations. It also noted that the DBE Liaison Officer has direct independent access to the Commissioner.

According to the plan, the Division of Contract Compliance has four full time professional employees; one paraprofessional employee; one manager; and one full time support person. Two professional employees and the manager devote 50% of their time to the DBE Program. In addition, there are four districts, and each district has an EEO Liaison who devotes time to monitoring DBE project goals and monitoring contractor compliance with the DBE project requirements.

During the compliance review, there was no evidence to substantiate that the DBE Liaison Officer has direct independent access to the Commissioner. According to the organizational chart contained in the 2009 DBE Program Plan and the one dated December 16, 2008, Equal Opportunity and Diversity with Diane Donato, as the Director, reports directly to the Commissioner of Transportation for all affirmative action matters. The reporting relationship for the DBE Liaison Officer was not reflected in either organizational chart mentioned above nor clarified in job descriptions or other documentation reviewed on site. Based on the interviews conducted, it appears that the only contact the DBE Liaison Officer has with the Commissioner are regularly scheduled quarterly affirmative action progress meetings that are in held in conjunction with other staff.

Furthermore, there was no evidence that the DBE Liaison Officer has full responsibility or appropriate resources to implement an effective program. It appears that two critical components of the DBE Program, the annual goal and semi-annual reporting to the FTA, are developed and completed without

the direct knowledge and input of the DBE Liaison Officer. Additionally, it did not appear that personnel designated in other departments, such as the District EEO Liaison or Project Manager, had a clear understanding of their roles and responsibilities for monitoring contractor compliance with the DBE project requirements and keeping the DBE Liaison Officer informed.

See additional discussion of this issue under Section 7, Determining/Meeting Goals and Section 11, Record Keeping and Enforcements.

Corrective Action and Schedule: Within 60 days of the issuance of the final report, ConnDOT must submit to the Region I Civil Rights Officer evidence that it has designated a DBE Liaison Officer who has full responsibility for program implementation, direct and independent access to the Chief Executive Officer concerning DBE program matters, and adequate resources to implement the DBE Program.

Grantee's Response: Please reconsider the findings relative to the DBE Liaison Officer per the information being submitted below:

Finding: "... Two professional employees and the manager devote 50% of their time to the DBE Program." This is not entirely accurate. Actually there are two professional employees who devote 100% of their time to DBE certification, one manager who devotes 50%, one professional employee devotes 5%, and one Administrative Support employee devotes 25% of their time to the DBE Program. The EEO Coordinators that are out in the four Districts also have been assigned DBE responsibilities.

ConnDOT requests your reconsideration of the finding related to the independent access that the DBE Liaison has to the Commissioner. The following information is meant to supplement the information that was collected during your audit process:

The DBE Liaison Officer, who is the EEO Manager of Contract Compliance does, in fact, have direct, independent access to the Commissioner. The DBE Liaison Officer (DBELO) works in the Office of Equal Opportunity and Diversity (OEOD) under the direction of the EEO Director. The organization chart for that unit has been modified to show Ms. Debra Goss, EEO Manager (DBELO) as having direct, independent access to the Commissioner on all DBE program matters (Attachment B). This statement had been inadvertently omitted from the previous OEOD organization chart. Please be advised also that as of the date of this review, the DBELO had not

requested any direct, independent meetings with the Commissioner on DBE matters, however, had it been requested, it would have been granted.

Since the review date, the DBELO has requested a meeting with the Commissioner and met with him on September 2, 2009 on DBE program matters. The DBELO will maintain a record of discussions that occurred at the meetings with the Commissioner concerning all DBE matters so that ConnDOT has documentation of meetings held independently with the Commissioner. The DBELO will also maintain a record of the DBE related issues that are brought up at the quarterly Office of Equal Opportunity and Diversity meetings that are held with the Commissioner and Bureau Chiefs. Attached are the Agendas for the previous 4 quarterly meetings indicating that Debra Goss, EEO Manager of Contract Compliance (and DBE Liaison Officer) was on the agenda to present to the Commissioners and Bureau Chiefs (See Attachment C). Any DBE issues pertinent to ConnDOT are brought up at these meetings.

FTA's Response: FTA partially concurs with ConnDOT's response. As discussed under Section 11, Record Keeping and Enforcements, to ensure that the DBE Liaison Officer has full responsibility and appropriate resources to implement an effective program, ConnDOT will provide to the CRO by November 1, 2010, a monitoring plan for personnel designated in other departments regarding their roles and responsibilities of the issuance of the final report. Furthermore, the annual goal and the semi-annual reporting will be reviewed by the DBE Liaison Officer prior to FTA submission.

However, it does not appear that the DBE Liaison Officer has direct, independent access to the Commissioner as indicated in the response if the DBELO needs to secure permission to exercise this prerogative. Furthermore, the organizational chart provided by ConnDOT to substantiate the reporting relationship between the DBE Liaison Officer and the Commissioner is not signed or dated and appears limited to the Office of Equal Opportunity and Diversity. There was no evidence provided that the reporting relationship is reflected on the organizational chart for ConnDOT as a whole.

Financial Institutions

Basic Requirement: (49 CFR Part 26.27) Recipients must investigate the existence of DBE financial institutions and make efforts to utilize them.

Recipients must encourage prime contractors to use these DBE financial institutions.

Discussion: During this DBE Compliance Review, a deficiency was found for financial institutions. The requirement to investigate the existence of DBE financial institutions was not addressed in ConnDOT's revised 2009 DBE Program Plan.

During the compliance review, ConnDOT provided the review team with information on the research they had conducted in this area in June of 2007. This research resulted in the identification of one minority bank, The Community's Bank, in the State of Connecticut. Although ConnDOT considered the feasibility of doing business with The Community's Bank, it does not appear that any further action has been taken or a final decision has been made as to how their services could be utilized since their initial investigation.

Corrective Action and Schedule: Within 60 days of the issuance of the final report, ConnDOT must provide to the Region I Civil Rights Officer evidence of their efforts to utilize the services of The Community's Bank. Additionally, ConnDOT will provide evidence how it will encourage its prime contractors to use this financial institution.

Grantee's Response: ConnDOT has invited a representative from The Community's Bank located in Bridgeport Connecticut to attend the September 22, 2009, DBE training and orientation workshop to discuss financial opportunities offer by the bank. This is the only minority owned and operated bank in the State of Connecticut. We hope to develop a partnering relationship to provide assistance to DBE firms. The meeting will occur within 60 days of the issuance of the final report.

FTA's Response: FTA partially concurs with ConnDOT's response. FTA concurs with ConnDOT's efforts to investigate the one financial institution owned and controlled by socially and economically disadvantaged individuals in the State of Connecticut. The investigation should determine whether ConnDOT, not only their DBE firms, can utilize their services. Additionally, ConnDOT should submit to the CRO by November 1, 2010, how it plans to encourage prime contractors to use this institution, if appropriate.

DBE Directory

Basic Requirement: (49 CFR Part 26.31) A DBE directory must be available to interested parties including addresses, phone numbers and types of work each DBE is certified to perform. This directory must be updated at least annually and must be available to contractors and the public upon request.

Discussion: During this DBE Compliance Review, no deficiencies were found with the requirement for a DBE directory. The Connecticut Department of Transportation (ConnDOT) processes all certifications for the state of Connecticut and maintains the directory of DBE certified firms. The directory is located on ConnDOT's website at <https://www.ct.gov/dot>. The review team viewed the web-based directory during the site visit. The directory includes the information required by the regulations. It lists the firm's name, mailing address, telephone number, and the type of work the firm has been certified to perform as a DBE. The DBE Directory is also made available in hard copy. The Connecticut Department of Transportation updates the electronic version of the directory with any additions and deletions as changes occur.

Overconcentration

Basic Requirement: (49 CFR Part 26.33) The recipient must determine if overconcentration of DBE firms exists and address the problem, if necessary.

Discussion: During this DBE Compliance Review, an advisory comment was made with the requirement for overconcentration. ConnDOT indicated that a review of DBE firms is conducted for overconcentration when project goals are recommended to the Screening Committee for approval. At the time of the site visit, ConnDOT reported that it had not identified any areas of overconcentration nor had it received any complaints that overconcentration occurred. ConnDOT also noted that if any areas of overconcentration are identified, they will take appropriate steps in accordance with the regulations to address them including the use of their DOT approved Business Development Program discussed below.

ConnDOT was advised that it would be an effective practice to periodically document an analysis of overconcentration based on data that it has on areas in which DBEs are performing work for the agency.

Grantee's Response: As part of the Screening Committee process DBE saturation is considered in determining DBE project goals. The DBELO also advises the Committee of oversaturation issues and other matters that may affect the pool of available DBE firms. ConnDOT's DBE Supportive Services program works with DBE firms to determine how they can diversify the types of work that they can perform. ConnDOT performs outreach to potential DBE firms that perform work in the areas where we have few certified firms; these efforts assist in providing a diverse pool of firms. This process will be formally included in the DBE Program within 60 days of the issuance of the final report.

FTA's Response: FTA concurs with ConnDOT's response. This advisory comment has been addressed.

Business Development Programs

Basic Requirement: (49 CFR Part 26.35) The recipient may establish a Business Development Program (BDP) to assist firms in gaining the ability to compete successfully in the marketplace outside the DBE program.

Discussion: During this DBE Compliance Review, no deficiencies were found in the area of Business Development Programs (BDP). The Connecticut Department of Transportation has a formal Business Development Program. It was officially approved by the U.S. Department of Transportation and has been in operation for the past four years. ConnDOT is currently under contract with the Connecticut State University's Institute of Technology and Business Development to host the Connecticut Business and Workforce Development Center.

The program provides developmental assistance to enable DBE firms to operate more competitively and to provide them with the tools necessary to eventually graduate from the DBE Program. Supportive assistance is provided in two areas: business assessment and development plan implementation. The assessment determines deficiencies, weaknesses, strengths, and opportunities for improvement. The assessment also includes steps or actions to promote business growth in the form of a development plan and includes one-to-one technical assistance in areas such as accounting, cash flow analysis, loan packaging, subcontract development, manpower allocation, bond packaging and debt management.

Determining/ Meeting Goals

A) Calculation

Basic Requirement: (49 CFR Part 26.45) To begin the goal setting process, the recipient must first develop a base figure for the relative availability of DBEs. After the base figure is achieved, all other relative evidence must be considered in an adjustment of this figure to match the needs of the specific DBE community.

Discussion: During this DBE Compliance Review, a deficiency was found with the requirements for calculation of goal. The review team examined the FY 2009, 2008 and 2007 goal submissions provided by ConnDOT. The goals were 14.1%, 14.1% and 16.2% respectively. The goals submitted to the FTA were completed by Duane Campbell, Transportation Supervising Planner in the Bureau of Public Transportation.

Step 1: Determining the Base Figure

The base figure is determined by the availability of ready, willing and able DBEs relative to all businesses ready, willing and able to participate on DOT-assisted contracts. The information used to determine the number of ready, willing and able firms is gathered by using the data from ConnDOT's Vendor Profile database. This includes information from bid openings and from the list of project approved subcontractors. The Vendor Profile database is populated by firms that indicated they had submitted bids, quotes and/or proposals for ConnDOT projects.

For the FY 2009 goal submission, ConnDOT determined there were 506 contractors and 73 DBE contractors. The total number of DBE contractors was divided by the total number of contractors, which equated to a base figure of 14.4 percent. The Bureau of Public Transportation submits a list of projects for the goal submission. The list of projects include FTA funded construction projects and sections 5310, 5311, 5316 and 5317 apportionments. This list also includes the DBE goal for each project line item developed by the Screening Committee.

The Screening Committee's function is to determine the project goal percentages for the DBE program. The Screening Committee receives the recommended DBE goal percentages from the Initiating Unit. The Initiating Unit determines the proposed goal by factoring in the type of contract; the funding source; if there are subcontracting opportunities; and the availability of certified DBE firms available to perform the type of work required for the

contract. Mark Neri, who represents the Bureau of Public Transportation on the Screening Committee, submits the list of projects for the fiscal year and the recommended DBE goals for each project to Duane Campbell for the goal submission.

Several discrepancies were discovered with ConnDOT's process for arriving at their base figure. First, the FY 2009 goal submission appeared not to include weighting for the types of contracting activity anticipated during the fiscal year to arrive at the base figure. ConnDOT divided the relative available DBE firms by all firms to arrive at their base figure without regard to the types of contracting opportunities anticipated to be awarded in the fiscal year. While the DBE rule does not require weighting, it could help determine that the base figure is as accurate as possible. ConnDOT should have taken into account the DBE firms available to perform the types of contracting activity in relation to all firms available to perform the work rather than including firms in the base figure calculation without regard to the type of service provided.

Secondly, the review team also noted that the list of projects for the FY 2009 submission was exactly the same list of projects and dollar amounts for the FY 2008 submission. The FY 2008 project list was revised April 23, 2008, to include an additional project; however, the remaining projects and dollar amounts were not amended. This supported the review team's preliminary finding that the list of projects was for projects already awarded rather than anticipated to be awarded.

Thirdly, several Rail projects for 2008 were not included in the goal setting FY 2008 methodology, in particular consulting projects. Some of these projects were awarded at an earlier date but were supplemented with additional funding. Other projects awarded in 2008 included engineering and inspection #301-0097 and program management #301-0088 for New Haven Rail Yard, preliminary design for Walk Bridge-Metro North #301-0040, and construction #300-137.

Step 2: Adjusting the Base Figure

The regulation indicates that once the Step One figure is calculated, all of the evidence available in your jurisdiction must be examined to determine what adjustment, if any, is needed to the base figure in order to arrive at your overall goal. ConnDOT's FY 2009 and FY 2008 goal submissions included narratives explaining their rationale for a step two adjustment. They stated that past participation of DBEs was used as a factor to adjust the base figure

from 14.4% to 14.1% for the overall goal. No methodology was provided in the submittal to justify the adjustment. ConnDOT also did not provide a clear explanation of how an adjustment of .3 percentage points was derived.

Corrective Action and Schedule: Prior to August 1, 2009, ConnDOT must submit, to the Region I Civil Rights Officer, its DBE goal methodology for FY 2010 detailing all contracting opportunities considered and statistical information if past participation is used as a step two adjustment.

Grantee's Response: ConnDOT will develop a goal methodology in compliance with requirements pursuant to 49 CFR Part 26.45. The methodology will weight goals with respect to the types of contracting opportunities. The Program Manager has been requested to provide a detailed outline to the DBELO of the goal methodology used to calculate the FTA DBE goal. The Program Manager has also been advised that the DBE goals and reports should be reviewed by the DBELO prior to being sent to FTA. The 2010 DBE goal was submitted without the review of the DBELO; the goal methodology will be reviewed and revised to insure compliance with 49 CFR Part 26.45. The DBE goal methodology will be developed and submitted to FTA within 60 days of the issuance of the final report.

FTA's Response: FTA concurs with ConnDOT's response. The revised DBE goal methodology for FY 2010 will be submitted to the CRO by November 1, 2010, prior to the issuance of the final report.

B) Transit Vehicle Manufacturer (TVM)

Basic Requirement: (49 CFR Part 26.49) The recipient must require that each transit vehicle manufacturer (TVM) certify that it has complied with the regulations.

Discussion: During this DBE Compliance review, a deficiency was found with the requirement for transit vehicle manufacturer. The review team examined RFP No. 09DOT7004, currently posted on ConnDOT's website for the purchase of low floor heavy duty transit buses and high floor heavy duty suburban buses with a closing date of June 15, 2009. A TVM certification is required from the bidders for the procurement. However, the certification incorrectly cited 49 CFR Part 23, not Part 26.

Corrective Action and Schedule: Within 60 days of the issuance of the final report, ConnDOT must provide the Region I Civil Rights Officer with a corrected version of the TVM certification along with evidence that it has

directed the appropriate procurement officials within ConnDOT to utilize this certification in all federally funded vehicle procurements.

Grantee's Response: ConnDOT has corrected the TVM certification and the procurement manager has been directed to utilize the certification in all federally funded vehicle procurements. Attachment D includes the revised TVM certification and direction provided to the procurement manager concerning its use in all federally funded vehicle procurements.

FTA's Response: FTA concurs with ConnDOT's response. This deficiency is now closed.

C) Race Neutral DBE Participation

Basic Requirement: (49 CFR Part 26.51) The recipient must meet the maximum feasible portion of the overall goal by using race neutral means of facilitating DBE participation. Examples of how to reach this goal amount are listed in the regulations.

Discussion: During this DBE Compliance Review, deficiencies were found with the requirements for race neutral participation. ConnDOT reported in their DBE Program that it meets the maximum feasible portion of the overall annual goal by using race neutral means of facilitating DBE participation. This included seeking out small businesses that provide goods and services in areas traditionally underutilized, offering open houses to these firms, allowing them the opportunity to learn how the department does business and what procurement opportunities are available, and participating and marketing the DBE program at workshops and conferences targeted to small business enterprises.

ConnDOT uses information from the semi-annual reporting form to determine the amount of race-neutral DBE participation for their overall goal. Race-neutral participation must be reported correctly for this method to be an effective process. It was determined by the review team that the reporting forms submitted to FTA are completed incorrectly by ConnDOT. More information about the semi-annual report is discussed in Section 11, Record keeping and Enforcements. This has yielded an incorrect race-neutral number for the past three fiscal years. ConnDOT mentioned in their past three goal submissions to the FTA that their race-neutral achievements for the previous fiscal year was 2.9% every year.

ConnDOT had identical overall goals for FY 2009 and 2008. Therefore, they had identical race-neutral and race conscious splits of 2.2% and 11.9% respectively. There was no formulaic explanation of how these numbers were derived.

Corrective Action and Schedule: Within 60 days of the issuance of the final report, ConnDOT must provide the Region I Civil Rights Officer corrected race-neutral projections for FY 2010 goal submission based on accurate information in the reporting forms.

Grantee's Response: The Program Manager has been requested to provide to the DBELO a detailed explanation of the calculations used to determine the race-neutral DBE goal. The 2010 DBE race-neutral goal will be reviewed and will be corrected to insure compliance with 49 CFR Part 26.51. Additionally, the information required in the DBE semi-annual reports will be completed as required. A detailed description detailing the calculation of the Race Neutral goal will be submitted to FTA within 60 days of the issuance of the final report.

FTA's Response: FTA concurs with the grantee's response. The corrected race-neutral projections for the FY 2010 goal submission will be submitted to the CRO by November 1, 2010, prior to the issuance of the final report.

D) Race Conscious DBE Participation

Basic Requirement: (49 CFR Part 26.51) The recipient must project a percentage of its overall goal that will be met through race conscious means. These contracts may have varying DBE goals, and be made on an individual basis, depending on conclusions of the studies performed.

Discussion: During this DBE Compliance Review, a deficiency was found with the requirements for race conscious participation. ConnDOT's procedures for setting DBE goals on its federally funded projects are described in the DBE Program Plan. The initiating unit reviews pending solicitations and determines subcontracting opportunities. The history of past similar contracts and the number of available DBE firms listed in the directory certified to perform the required type of work are also reviewed. Based on this assessment and in consultation with the DBE Liaison Officer when necessary, the initiating unit recommends a proposed goal to the Screening Committee.

The Screening Committee is comprised of personnel from various bureaus including Engineering and Highway, Finance and Administration, Public Transportation and Aviation and Ports appointed by the Commissioner. The Committee evaluates the goal by considering the type of contract, the general value range of the proposed contract, the agency's overall goal, and the availability of certified DBEs performing the type of work required for the contract. The Committee votes on the proposed goal and makes a final determination by consensus. The DBE Liaison Officer participates at the meetings and is one of three non-voting members of the Screening Committee. The final results of the DBE project goal determination are forwarded to the initiating unit. The goal is then made part of the advertised request for bid proposals.

During the compliance review, the review team requested evidence of their adherence to the above procedures. ConnDOT provided the team with a sample report of recommended goals to the DBE Screening Committee. For each project presented to the Committee, the report described the type of opportunity, a brief description of the project, the estimated dollar value of the contract and proposed goal. Specific details to substantiate or support the goal were not provided in the document. A 10% DBE goal was recommended for all of the proposed projects.

Corrective Action and Schedule: Within 60 days of the issuance of the final report, ConnDOT must provide the Region I Civil Rights Officer written documentation that the criteria outlined in ConnDOT's DBE Program are followed and documented when setting DBE goals on FTA-funded contracts.

Grantee's Response: The Screening Committee has been instructed that they must base the DBE goal assignments on the specific details of the projects. The Screening Committee shall document the criteria and considerations used to support a DBE goal determination on all federally funded or assisted projects. A detailed description of the calculations relative to the **Race Neutral** goals will be submitted to FTA within 60 days of the issuance of the final report.

FTA's Response: FTA concurs with ConnDOT's response. A detailed description of the calculations relative to the **Race Conscious** goals should be submitted to the CRO by November 1, 2010 prior to the issuance of the final report.

E) Good Faith Efforts

Basic Requirement: (49 CFR Part 26.53) The recipient may only award contracts, with DBE goals, to bidders who have either met the goals or conducted good faith efforts (GFE) to meet the goals. The bidders must provide documentation of these efforts for review by the recipient.

Discussion: During this DBE Compliance Review, no deficiencies were found with the requirements for good faith efforts. The procedures for awarding contracts with contract-specific goals were noted in ConnDOT 2009 DBE Program Plan and solicitation documents. The procedures note that the bidder, as part of its proposal, must include a DBE Participation Approval Request that the DBE goal established for the project will be met. The request includes the name and address of each DBE that will participate on the contract, a description of the work, the dollar amount of participation and percentage of the bid amount. The Division of Contract Administration reviews the information to determine if the proposed DBE dollar amounts satisfy the project goal requirements. The Division of Contract Compliance verifies that the firms identified for participation are currently certified. The procedures require that a bidder must meet the goal or demonstrate good faith efforts to meet the goal in order to be awarded a contract.

F) Counting DBE Participation

Basic Requirement: (49 CFR Part 26.55) The recipient must count only the value of work actually performed by the DBE toward actual DBE goals.

Discussion: During this DBE Compliance Review, no deficiencies were found with the requirements for counting DBE participation. The 2009 DBE Program Plan properly references the regulations for counting DBE participation on contracts. The procedures for counting DBE participation were also found in the boilerplate language of the solicitation documents. During the site visit, the review team requested to see evidence of ConnDOT's collection of data for counting DBE participation. The Division of Contract Compliance initially verifies the counting method for participation amounts when the bidder submits its list of DBE firms on a project. The correct counting method for DBE participation was utilized for all of the contracts reviewed.

G) Quotas

Basic Requirements: (49 CFR Part 26.43) The recipient is not permitted to use quotas or set-aside contracts.

Discussion: During this DBE Compliance Review, no deficiencies were found with the requirement for quotas. No evidence of the use of quotas or set-aside contracts by ConnDOT was found during the site visit.

Required Contract Provisions

A) Contract Assurance

Basic Requirements: (49 CFR Part 26.13) Each contract signed with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include a non-discrimination clause detailed by the regulations.

Discussion: During this DBE Compliance Review, deficiencies were found with the requirements for Contract Assurances. ConnDOT's DBE Program Plan, revised April 20, 2009, indicated that each contract signed with a contractor and each subcontract the prime signs with a subcontractor will include the nondiscrimination language of 26.13 in the DBE regulations. Upon review of contracts in ConnDOT's projects, it appears that the necessary nondiscrimination clauses do not flow down to the subcontractors.

The review team examined two FTA assisted projects during the site visit with 15% and 13% DBE goals, the New Haven Bus Facility and Catenary Replacement projects respectively. On May 30, 2008, ConnDOT awarded a contract to The Fusco Corporation for construction of the New Haven Bus Facility in the town of Hamden, CT. Fusco subcontracted portions of work to Waters Construction Company who subsequently subcontracted portions of their work to DBE firm, Complete Construction Company, Inc.

The contract between ConnDOT and Fusco included the DBE contract provisions found in ConnDOT's DBE Program Plan. Section II, General Requirements of the contract provisions outlined the nondiscrimination language that ConnDOT indicated they would include in their contracts with contractors in addition to subcontracts. However, the DBE contract provisions were not found in the Waters or Complete subcontract agreements.

ConnDOT awarded a contract to Ducci Electrical Contractors, Inc. on April 10, 2007, for catenary replacement between catenary structure 630 and Peck Bridge in the towns of Bridgeport, Fairfield and Westpoint, CT. Ducci entered into a subcontract agreement with DBE firm Kerr Electric, Inc. on November 26, 2007, to furnish and install the catenary system. The contract

between ConnDOT and Ducci included the required nondiscrimination language of 26.13; however, this information was not found in the subcontract agreement of Kerr Electric.

Corrective Action and Schedule: Within 60 days of the issuance of the final report, ConnDOT must submit to the Region I Civil Rights Officer documentation that it has implemented procedures to ensure that the clause addressing nondiscrimination contract assurance is included in the contracts with its prime contractors and their DBE subcontractors working on FTA-assisted projects.

Grantee's Response: All prime contracts shall have the nondiscrimination assurance included. The Office of Construction (OOC) will review DBE subcontract agreements to determine if the nondiscrimination clauses are included. A process will be established for including the nondiscrimination contract assurance within 60 days of the issuance of the final report.

FTA's Response: FTA concurs with ConnDOT's response. Documentation of the procedures to ensure that the clause addressing nondiscrimination contract assurance is included in the contracts with its prime contractors and their DBE subcontractors working on FTA-assisted projects should be submitted to the CRO by November 1, 2010 prior to the issuance of the final report.

B) Prompt Payment

Basic Requirements: (49 CFR Part 26.29) The recipient must establish a contract clause to require prime contractors to pay subcontractors for satisfactory performance on their contracts no later than a specific number of days from receipt of each payment made by the recipient. This clause must also address prompt return of retainage payments from the prime to the subcontractor within a specific number of days after the subcontractors' work is satisfactorily completed.

Discussion: During this DBE Compliance Review, deficiencies were found with the requirements for Prompt Payment and Return of Retainage.

Prompt Payment

ConnDOT's DBE Program Plan did not outline specific time requirements for prompt payment but rather prompt payment is addressed in Section 49-41a-c of the General Statutes as revised, and is incorporated by reference in all contract awarded by the Department in Section 1.03.04 of the Standard

Specifications for Roads, Bridges and Incidental Construction (Form 816). This section of the DBE Program Plan also includes information about dispute resolutions referenced in Section 1.08.01 of Form 816. The Form 816 manual can be obtained for a fee by contacting the ConnDOT Manager of Contracts or available on the website of ConnDOT. The 816 manual states in Section 1.03.04 that conformance with Section 49-41a of the Connecticut General Statutes, the contractor shall, within 30 days after any given contract payment to the contractor by the State, pay any amounts due any subcontractor.

The ConnDOT and Fusco contract referenced, in Section 1.08 Prosecution and Progress of the general provisions, Article 1.08.01-Transfer of Work of Contract of Form 816 to add the prompt payment language to pay subcontractors within 30 days of the contractor receipt of payment and to release retainage within 30 days after satisfactory completion of all the subcontractor's work. Fusco stated in their subcontract with Waters that they would pay (Waters) within 30 days of receipt of payment from ConnDOT . However, Fusco required that all Waters' subcontractors be paid within 7 days of Waters receipt of Fusco's payment. The agreement with Waters' DBE subcontractor, Complete, indicated that Waters would pay Complete on or about the 10th day of receipt of payment from Fusco.

ConnDOT's contract with Ducci also referenced Article 1.08.01 and added language for Ducci paying its subcontractors promptly within 30 days of receiving payment from ConnDOT. The Ducci and Kerr subcontract agreement included an on or about the 10th day prompt payment statement and required Kerr to pay its subcontractors within 30 days.

Return of Retainage

In June 2003, USDOT issued a Final Rule on DBE that contained new requirements for prompt return of retainage. According to the Final Rule, if an agency chooses to hold retainage from a prime contractor, they must have 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 30 days after payment to the prime contractor.

ConnDOT's DBE Program Plan states that retainage is incorporated by reference in all contracts awarded by the ConnDOT in Section 1.08.01 of Form 816. The contractor is required to pay the subcontractor for work

performed within 30 days after the contractor receives payment for the work performed by the subcontractor. Any retained monies on a subcontractor's work shall be paid to the subcontractor within 30 days after satisfactory completion of all subcontractor's work. Satisfactory completion is defined by ConnDOT as when the subcontractor has fulfilled the contract requirements of both ConnDOT and the subcontractor for the subcontracted work and work done by the subcontractor has been inspected and approved by ConnDOT and the final quantities of the subcontractor's work have been determined and agreed upon.

The Form 816 manual requires in Section 1.09.06 that two and one half percent (2 ½%) of the total amount determined by the Engineer will be deducted from the estimate and retained by the Department until the Engineer accepts the project. This deduction was seen in the prime and subcontracts examined by the review team. Both prime contracts reviewed (Fusco and Ducci) had 30 days prompt return of retainage payment requirements. However, the 30 day requirement to return any retained monies owed to the subcontractor were not discovered in the subcontract agreements reviewed.

Even though the DBE Program Plan indicates that retained money would be returned within 30 days of satisfactory completion of the subcontractors work, the subcontracts reviewed did not include the timeframe specified in the program plan. Furthermore, the subcontract agreement between Waters and Complete indicated that the reserve percentage is to be withheld by Water until Waters has received final completion, acceptance and payment by the owner. This is inconsistent with phased acceptance DBE rules when retainage is withheld on a contract. The project manager for ConnDOT was interviewed during the site visit and substantiated that retainage is not returned until after completion of the project rather than upon satisfactory completion of the subcontractor's work.

For information on monitoring of subcontractor payments, see discussion in Item 11, Record Keeping and Enforcements of this section.

Corrective Action and Schedule: Within 60 days of the issuance of the final report, ConnDOT must submit to the Region I Civil Rights Officer documentation that it has implemented the requirements of Part 26.29 as noted in the June 2003 Final Rule. Additionally, ConnDOT should provide documentation that it has implemented procedures to ensure that the clauses addressing prompt payment and prompt return of retainage included in the

prime contracts are consistently included in agreements with subcontractors participating on FTA-assisted projects.

Grantee's Response: ConnDOT's retainage process is incorporated in the DBE program (Attachment E). ConnDOT will include a contract clause to require prime contractors to pay subcontractors for satisfactory performance on their contracts; this clause will also include the release of retainage requirements. Prime contractors will be required to include this clause in their federally funded/assisted subcontracts. The OOC will review DBE subcontracts to insure that the retainage clause is included in federally funded/assisted contracts. This process will be implemented within 60 days of the issuance of the final report.

FTA's Response: FTA partially concurs with ConnDOT's response. Submit to the CRO by November 1, 2010, and prior to the issuance of the final report, the ConnDOT should provide documentation of procedures for ensuring that the clauses addressing *prompt payment* and prompt return of retainage are included in the prime contracts and in agreements with subcontractors participating on FTA-assisted projects. For return of retainage, the procedures should specify the provisions and process for ConnDOT's periodic review and acceptance of work.

C) Legal Remedies

Basic Requirements: (49 CFR Part 26.37) Recipients must implement appropriate mechanisms to ensure compliance by all participants, applying legal and contract remedies under Federal, state and local law.

Discussion: During this DBE Compliance Review, no deficiencies were found with the requirement for legal remedies. The DBE Program Plan and prime contract agreements reviewed included language for legal remedies for non compliance with DBE program rules. Section II, General Requirements of the DBE contract provision includes a clause which states that failure of the contractor at the completion of all contract work to have at least the specified percentage of the contract performed by DBEs will result in the reduction in contract payments to the contractor. No reduction in payments is imposed if the contractor can adequately document or substantiate its good faith efforts made to meet the specified percentage to the satisfaction of ConnDOT.

Certification Standards

Basic Requirements: (49 CFR Part 26.67) The recipient must have a certification process intact to determine if a potential DBE firm is legitimately socially and economically disadvantaged according to the regulations. The DBE applicant must submit the required application and a signed and notarized statement of personal net worth with appropriate supporting documentation.

Discussion: During this DBE Compliance Review, no deficiencies were found with the requirement for certification standards. ConnDOT is the sole certifying agency in the Connecticut Unified Certification Program (CUCP). The CUCP utilizes the Uniform Application Form found in Appendix F of the DBE regulations for DBE and Airport Concessionaire (AC) DBE certification. No supplemental form is used as part of the certification package. They also require the individuals claiming social and economic disadvantage to complete the SBA personal financial statement form.

The review team interviewed the CUCP representative to evaluate compliance with this subpart. No issues were discovered in the areas of group membership, ownership, control and individual determinations. There is one full time equivalent solely responsible for DBE certification. Another person is responsible for annual certification updates. Another individual has partial time devoted to certification in addition to supportive services and outreach. These three individuals have regular meetings to make certification determinations.

10. Certification Procedures

Basic Requirements: (49 CFR Part 26.83) The recipient must determine the eligibility of firms as DBEs consistent with the standards of Subpart D of the regulations. The recipient's review must include performing an on-site visit and analyzing the proper documentation.

Discussion: During this DBE Compliance Review, no deficiencies were found with the requirement for certification procedures. The CUCP certifies firms for a period of seven (7) years. During the seven year period, DBEs must submit an annual certification update every year attesting that no circumstances have change that would affect their certification eligibility. After the seven year period, DBE must complete the Uniform Application Form. The CUCP treats the reapplication similar to a new applicant to

include conducting an on-site review. The CUCP will complete an on-site review earlier if circumstances warrant one to be conducted sooner.

On-site visits by the CUCP are conducted in a two-step process. The interview phase consists of the CUCP representative conducting an interview with the DBE applicant at ConnDOT's office. If the applicant is unable to appear at ConnDOT for the face-to-face interview, one would be conducted over the telephone. The second phase consists of an office visit, which includes reviewing equipment, invoices, building names, and any applicable shared offices.

The review team examined various types of files from the CUCP to gauge compliance with implementation of the certification procedures of this subpart. The information in the certification files appeared to follow the procedures outlined in ConnDOT's and CUCP certification procedures. The removal process and files were also analyzed by the review team. The CUCP appeared to follow the removal procedures outlined in 26.87 of the DBE regulations. The separations of functions is carried out by a six person review panel (three members and three alternates) consisting of individuals within ConnDOT that did not take part in the certification process. The function of the panel is to conduct informal hearings for firms seeking to rebut their removal of certification. There is no informal hearing process of the CUCP for initial denials; therefore, applicants' method of recourse is by appeal to the USDOT. The CUCP indicated that they have not had any appeals overturned by the USDOT.

11. Record Keeping and Enforcements

Basic Requirement: (49 CFR Part 26.11, 26.55) The recipient must provide data about its DBE program to the FTA on a regular basis. This information must include monitoring of DBE participation on projects through payments made to DBE firms for work performed. The recipient must maintain a bidders list complete with subcontractor firm names, addresses, DBE status, age of firm and annual gross receipts of the firm.

Discussion: During this DBE Compliance Review, deficiencies were found with the FTA requirement for Record Keeping and Enforcements.

Bidders List

ConnDOT has a process in place to collect statistical information for a bidders list. The information is collected on a form called

“Contractor/Vendor Profile Sheet”. The profile is periodically mailed to all firms who have performed or may perform work on federally funded projects. Completed forms are submitted to Deborah Goss, the DBELO, and used in the goal-setting process. A sampling of the data collected for the bidders list was provided to the review team. ConnDOT captures all of the information that is required in accordance with the regulations.

Monitoring

ConnDOT’s DBE Program Plan did not clearly define the monitoring functions for DOT-assisted contracts. A description of functions for ConnDOT’s departments for DOT-assisted project was, however, provided to the review team. The Office of Construction (OOC) is responsible for monitoring the day-to-day compliance with the DBE requirements. Each district office has an Equal Opportunity Coordinator within the OOC. The OOC is responsible for notifying the Division of Contract Compliance (DCC) of any findings of non-compliance.

The District EO Coordinator is responsible for performing the EEO portion of the preconstruction meetings which also includes DBE goal requirements. The DCC is notified of all preconstruction meetings. The EO Coordinators are also responsible for conducting Annual Site Record Reviews which include a review of the projects’ DBE utilization.

The contractor is required to submit a subcontractor approval request form (CLA-12) and a copy of the executed contract agreement between them and the DBE firm. The OOC approves all subcontractors for project prior to any work being performed by any subcontractor. All payment requests are processed through the OOC. The OOC is responsible for completing and reviewing the DBE quarterly reports. Any issues relating to DBE utilization is communicated to the DCC.

If at the end of the project there is a DBE shortfall, the prime contractor must document why the shortfall occurred, and submit documentation of a Good Faith Effort (GFE). These requests are submitted to the OOC or the Initiating Unit. The information is then reviewed with the DCC to determine if a GFE was substantiated. If a GFE was not substantiated, a dollar amount equal to the DBE shortfall will be withheld from the contractor’s payments. This language was found in the contracts reviewed during the site visit as discussed in section 8, contract provisions of this report.

The review team visited one of the ConnDOT's District Offices to interview the designated Equal Opportunity Coordinators/Project Managers for the contracts reviewed. For the projects reviewed, ConnDOT contracted with Resident Engineers (RE) to monitor labor, payroll and all DBE requirements in addition to other project responsibilities. Project Managers (PM) oversees the Resident Engineers' activities. The Resident Engineers' DBE responsibilities include evaluating DBE and payments submitted by quarterly utilization reports and DBE work performance through Daily Work Reports (DWR).

Although the Resident Engineers appeared to collect information as prescribed in the description of functions document provided to the review team, it appears that the information collected is not analyzed. There also appeared to be a lack of communication from the Office of Construction to the Division of Contract Compliance regarding DBE matters. Lastly, there appeared to be insufficient information for the review team to conclude that ConnDOT was keeping a running tally of DBE payments and if the payments were prompt. This is supported by the OOC review of contractor's DBE participation shortfall at the end of the project rather than during incremental periods during the project.

The Division of Contract Compliance was made aware, as a result of preparation for the site visit by the review team, that DBE performance issues existed in the Catenary Project with Ducci and Kerr. The Resident Engineer indicated during the interview with the review team that it is difficult distinguishing workers of Ducci and the DBE subcontractor, Kerr Electric. The review team found discrepancies in the Kerr subcontract agreement, invoices and payments that point to commercially useful function issues. The Division of Contract Compliance opened an internal investigation review of this project and a determination is pending.

The review team also examined the payment history of the Catenary and New Haven Bus Facility Construction projects. The difficulty in collecting the payment history supported the review team's preliminary finding that no prompt payment evaluation process was in place to ensure that subcontractors are paid within the guidelines of the DBE Program Plan. The Resident Engineers issues estimates bi-weekly or monthly called a Bureau of Engineering and Highways Federal Aid/State Aid Report. The prime contractor receives progress payments based on the line items completed in the report. The prime contract scopes of work in a project are given line item numbers for each area of work. The CLA-12 identifies which line

items the subcontractor will perform. Since prime contractors do not submit invoices to ConnDOT identifying work completed, including which subcontractors participated, the Engineer's estimate would be the only source to see if subcontractors' work was included in ConnDOT's payment to the prime contractor. Based on the payment information presented by ConnDOT, prime and subcontractors, it appeared that Ducci paid Kerr prior to receipt of ConnDOT's payment for work during the March 2009 estimate period. For three payments reviewed, it appeared that Waters paid Complete before receipt of payment from Fusco on two of the payments and three days after receipt of payment from Fusco on the third payment reviewed.

Reporting

At the time of the site visit, ConnDOT was submitting the required semi-annual DBE reports to the FTA providing data about the DBE program. ConnDOT provided the review team with several semi-annual reports and supporting documentation. Based on the review, it appears that some of the information regarding DBE participation is not accurate. Furthermore, it does not appear that ConnDOT has an adequate process in place to capture all appropriate contract information at the time of award or payments on contracts completed as required for reporting purposes.

For the report covering the period October 1, 2007 through March 31, 2008 and the report covering the period April 1, 2008 through September 30, 2008, the following discrepancies were noted:

- The number of contracts that were awarded appears to only include those awards with DBE goals rather than the total number of contracts.
- The number of subcontractors listed on both reports only includes the number of DBE firms rather than the total number of subcontractors.
- There were four engineering and construction contracts that were not reflected in either of the reports. These included Project No. 300-102, Construction Engineering and Inspection awarded to A. DiCesare Associates in the amount of \$593,780; Project No. 301-0097, New Haven Rail Yard-Construction Engineering and Construction to Urban Engineers in the amount of \$1,722,600; Project No. 301-0088, New Haven Rail Yard – Program Management to Shaw Environmental and Infrastructure, Inc. in the amount of \$3,280,710; and Project No. 402-002, Construction Engineering and Inspection

awarded to HAKS Engineers, P.C. in the amount not to exceed \$5,225,880.

- Supplemental funding in the approximate amount of \$7,167,637 for engineering and construction services for several rail projects was not captured in the reports.
- For actual payments, the information reflected on the reports is for open rather than completed projects.
- Race neutral participation in the amounts of \$10,198 and \$23,731 for C&C Janitorial Supplies and ASA Environmental Products was captured in the payment section of both reports but not reflected under awards or commitments.

Corrective Action and Schedule: Within 60 days of the issuance of the final report, ConnDOT must submit to the Region I Civil Rights Officer the following information:

- Documentation that it has included prompt payment monitoring mechanisms, maintaining a running tally of commitments and payments during the project and implemented procedures for the Office of Contract Compliance increased involvement in the monitoring of projects.
- Procedures for accurate and complete collection and reporting of data for semi-annual reports that address the issues noted above.
- Corrected semi-annual reports covering the period 3-31-06 through 3-31-09.

Monitoring

Grantee's Response: The DBELO will be scheduling meetings with each OOC District Engineer (DE) to discuss the District EEO Liaison's and project personnel's monitoring responsibilities concerning the DBE Program to insure full compliance with the DBE program. ConnDOT recently went through a major reorganization and will be looking at the responsibilities currently being performed by the OOC personnel and the FTA DBE Coordinator to determine if changes may be necessary to insure full compliance with the DBE program. A meeting with the DBEs and a monitoring plan to comply with the DBE program requirements will be developed within 60 days of the issuance of the final report.

FTA's Response: FTA concurs with ConnDOT's response. Monitoring plan should be forwarded to the CRO by November 1, 2010, and prior to the issuance of the final report.

Reporting

Grantee's Response: The DBELO and the DBE Coordinator will develop a process to insure that all FTA project information is accurately captured and reported in the semi-annual reports. The FTA DBE Coordinator will correct the semi-annual reports covering the period 3/13/06 through 3/31/09. A process for capturing all required information will be developed within 60 days of the issuance of the final report.

FTA's Response: FTA concurs with ConnDOT's response. Submit to the CRO by November 1, 2010, and prior to the issuance of the final report, the ConnDOT should provide revised semi-annual reports covering the period 3-13-06 through 3-31-09 and procedures to ensure the accurate and complete collection and reporting of data for the semi-annual reports.

Public Participation and Outreach

Basic Requirement: (49 CFR Part 26.45) In establishing an overall goal, the recipient must provide for public participation through consultation with minority, women and contractor groups regarding efforts to establish a level playing field for the participation of DBEs. A published notice announcing the overall goal must be available for 30 days. The public must be notified that the recipient is accepting comments on the goal for 45 days following the date of the notice.

Discussion: During this DBE Compliance Review, a deficiency was found with the FTA requirement for Public Participation and Outreach. ConnDOT's goal submission notes several organizations that it will consult with "*during the public comment period*" regarding the annual goal. However, this consultation should be performed during the process, not after the conclusion of the goal setting process. 49 CFR Part 26.45 (g) states that in establishing an overall goal, you must provide for public participation. This public participation must include consultation with minority, women's and general contractor groups, 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 the process of developing a level playing field for the participation of DBEs.

ConnDOT publishes its DBE goals for public comment. It posts a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at ConnDOT's headquarters located in Newington, Connecticut. Comments on the goals are accepted for 45 days from the date of the notice. ConnDOT published its Fiscal Year 2009 annual goal in five newspapers – the Connecticut Post, the Hartford Courant, the New Haven Register, the Stamford Advocate/Greenwich Time and the Waterbury Republican American. Documentation of their publication was provided to the review team.

Corrective Action and Schedule: Within 60 days of the issuance of the final report, submit to the FTA Region I Civil Rights Officer documentation of a consultative process that will be utilized to gather input prior to the formalization and submission of the goal to the FTA. Additionally, ConnDOT will provide an assurance and schedule for completing this and the comment period for public notice in advance of August 1st of each year.

Grantee's Response: The DBELO is involved in several organizations that target their services to traditionally underutilized firms. The DBELO represents ConnDOT on the advisory committee for the Connecticut Small Business Development Center and the Board of the Greater New England Minority Supplier Development Council (GNEMSDC). These groups are consulted continuously to obtain their input in the DBE program. Additionally, the DBE goals and program challenges are discussed at the various meetings and workshops held by these organizations. Additionally, the DBELO attends periodic meetings with the Connecticut Construction Industry Association to discuss the DBE program goals and to ascertain from its membership any challenges in meeting the DBE program requirements. The DBE goals are also discussed at the DBE orientations held by ConnDOT throughout the year. We have also met with the Minority Contractors Council to discuss the DBE program and to address their challenges in participating on ConnDOT projects. ConnDOT will formalize this procedure and document the efforts. The formalized procedures will be incorporated into ConnDOT's DBE Program within 60 days of the issuance of the final report. Some of the events attended where the DBE goals were discussed are included in Attachment F.

FTA's Response: FTA concurs with ConnDOT's response. Submit to the CRO by November 1, 2010, and prior to the issuance of final report, the

ConnDOT should provide the procedures for conducting and documenting the consultative process. Additionally, ConnDOT should provide an assurance and schedule for completing the consultative process and the comment period for public notice in advance of August 1st of each year.

SECTION 7 – SUMMARY OF FINDINGS

Requirement of 49 CFR Part 26	Ref.	Site visit Finding	Description of Deficiencies	Corrective Action(s)	Response Days/Date
1. Policy Statement	26.23	D	Policy statement not signed and dated.	Submit a signed and dated policy statement and evidence that the policy statement was circulated throughout the organization and to the DBE and non-DBE business communities.	Closed
2. DBE Liaison Officer	26.25	D	No independent access to the CEO and have adequate control and staff to perform function. Don't have full implementation and responsibility for program goal setting.	Provide evidence that it has designated a DBE Liaison Officer who has full responsibility for program implementation, independent access to the CEO and adequate resources to implement the DBE program.	11/1/2010
3. Financial Institutions	26.27	D	No indication within new policy of Conn DOT's efforts to research DBE financial institutions and utilize. No recent updates or follow up indication to use DBE financial institutions or require Prime Contractors to utilize them.	Provide evidence of how the services of The Community Bank can be utilized. Additionally, provide evidence to encourage its prime contractors to use this financial institution.	11/1/2010
4. DBE Directory	26.31	ND			
5. Overconcentration	26.33	AC	Informal process utilized but there's no documentation that it's being reviewed.	Provide evidence that an overconcentration analysis has been conducted and if appropriate, recommend actions to address it.	Closed
6. Business Development Programs	26.35	ND			
7. Determining / Meeting Goals A) Calculation	26.45	D	No process for ensuring the capture all contracting	Submit the DBE goal methodology for FY 2010 including evidence with	11/1/2010

Requirement of 49 CFR Part 26	Ref.	Site visit Finding	Description of Deficiencies	Corrective Action(s)	Response Days/Date
B) TVM	26.49	D	opportunities. Incorrect reference used. Part 26 used instead of Part 23.	which it was calculated. Provide corrected version of the TVM certification and evidence that the appropriate procurement officials have been directed to utilize the certification in all federally funded vehicle procurements.	Closed
C) Race Neutral	26.51	D	Past performance information used.	Provide methodology for RN projections in FY 2010 goal submission.	11/1/2010
D) Race Conscious	26.51	D	Screening Committee sets project goals; showing total dollars in certain areas but no details given to better identify specific DBE opportunities.	Provide evidence that the criteria outlined in ConnDOT's DBE Program Plan are followed and documented when setting DBE goals on FTA-funded contracts.	11/1/2010
E) Good Faith Efforts	26.53	ND			
F) Counting DBE Participation	26.55	ND			
G) Quotas	26.43	ND			
8. Required Contract Provisions A) Contract	26.13	D	Information not passed down from Contractors to Subs.	Submit documentation that ConnDOT has implemented procedures to ensure that the	11/1/2010

Requirement of 49 CFR Part 26	Ref.	Site visit Finding	Description of Deficiencies	Corrective Action(s)	Response Days/Date
Assurance				clause addressing contract assurance is included in the contracts with its prime contractors and their DBE subcontractors working on FTA-assisted projects.	
B) Prompt Payment	26.29	D	Construction staff does not follow written procedures. Prompt payment and return of retainage clause not included in agreement No provision for periodic review and acceptance of work	Submit documentation that ConnDOT has implemented the requirements of Part 26.29 as noted in the June 2003 Final Rule. Additionally, provide documentation that it has implemented procedures to ensure that the clauses addressing prompt payment and prompt return of retainage included in the prime contracts are consistently included in agreements with subcontractors participating on FTA-assisted projects.	11/1/2010
C) Legal Remedies	26.37	ND			
9. Certification Standards	26.67	ND			
10. Certification Procedures	26.83	ND			
11. Record Keeping and Enforcements					
A) Bidders List	26.11	ND			
B) Monitoring	26.37, 26.55	D	Office of Construction responsible for monitoring of work performed by DBEs and subcontract agreements, but DBE liaison not	Submit procedures for improving monitoring efforts of work committed to DBEs. These should address review and documentation of payment information collected from contractors and DBEs; review of the	11/1/2010

Requirement of 49 CFR Part 26	Ref.	Site visit Finding	Description of Deficiencies	Corrective Action(s)	Response Days/Date
C) Reporting to DOT	26.11	D	being updated. No on-going tracking of DBE performance. Ducci/Kerr problem should have been noticed and addressed. Accurate reporting to FTA	agreements of those prime contractors and their DBE subcontractors performing work on federally assisted projects; and maintaining a running tally of commitments and payments during the project. Provide procedures for accurate and complete collection and reporting of data for semi-annual reports.	11/1/2010
12. Public Participation and Outreach	26.45	D	Consultative Process before goal calculation and Public Notice	Submit documentation of a consultative process that will be utilized to gather input prior to the formalization and submission of the goal to the FTA. Additionally, ConnDOT will provide an assurance and schedule for completing this and the comment period for public notice in advance of August 1 st of each year.	11/1/2010

Findings at the time of the site visit: ND = No deficiencies found; D = Deficiency; NA = Not Applicable; NR = Not Reviewed; AC = Advisory Comment.

SECTION 8 - LIST OF ATTENDEES

NAME	ORGANIZATION	TITLE	PHONE #	Email
Debra Goss	ConnDot	Manager	860-594-2169	Debra.goss@ct.gov
Diane Donato	ConnDOT	Director	860-594-3067	Diane.donato@ct.gov
Mary-Ann Baio-Levesque	ConnDOT	EEO Spec. 1	860-594-2167	Maryannbaio.levesque@ct.gov
Shari Pratt	ConnDOT	EEO Spec 2	860-594-2171	Shari.pratt@ct.gov
Phylisha Coles	ConnDOT	EEO Specialist 1	860-594-2178	Phylisha.Coles@ct.gov
Charles Roman	ConnDOT	BC Asst.	860-594-2969	Charles.Roman@ct.gov
Duane Campbell	ConnDOT	Trans. Supr. Planner	860-594-2815	Duane.Campbell@ct.gov
Charlene A. Casamento	ConnDOT	Bureau Chief of Finance & Operations	860-594-2201	Charlene.Casamento@ct.gov
Albert A. Martin	Conn DOT	Deputy Commissioner	860-594-3000	Albert.Martin@ct.gov
Denise Rodosevich	ConnDOT	Director, Legal Services	860-594-3044	Denise.rodosevich@ct.gov
Paul Oushana	Conn DOT	Technical Engineer 3	860-594-3126	Paul.Oushana@ct.gov
Basel Y. Hashem	ConnDOT Bureau of Engineering & Highway Oper.	Project Engineer	203-389-3167	Basel.Hashem@po.state.ct.us
Richard S. Unkel	ConnDOT Bureau of Engineering & Highway Oper.	Project Engineer	203-389-3168	Richard.Unkel@po.state.ct.us
Frank Kaminski	Conn DOT Office of Construction	Transportation Resident Engineer	860-594-2685	Frank.Kaminsky@ct.gov
Gary W. Belina	Conn DOT Office of Contract Admin.	Manager of Agreements-Fis. Admin.	860-594-3134	Gary.Belina@ct.gov
Lester G. Finkle II	USDOT-FHWA	Transportation Specialist	860-659-6703 ext. 3032	Lester.finkle@dot.gov
Donald Schubert	Ct. Construction Industries Association	Director	860-529-6855	
Steve Claar	Ducci Electrical Contractor	Senior Project Manager	860-489-9267	Sclaar@duccielectrical.com
Leslie N. Kerr	Kerr Electric, Inc.	President	860-243-8573	

Eugene Festa	Fusco Corp	Senior Project Manager	203-777-7451	Gfesta@fusco.com
Claudine Howard	Fusco Corp.	AA/EOE Coordinator	203-777-7451	Choward@fusco.com
Guy DiMaio, Jr.	Complete Construction, Inc.	V.P./Secretary	203-732-2522	Guy.demaio@completeconstructionco.org
Robert J. Mosback	HAKS	Resident Engineer	203-333-9257	mossback@haks.net
Harry Lewis	HAKS	Resident Engineer	203-285-6971	hlewis@haks.net
Ryan Inman (Via call)	FTA Civil Rights Headquarters	HQ Office Civil Rights	202-366-5017	Ryan.Inman@dot.gov
Peggy Griffin (Via call)	FTA	Regional Civil Rights Officer	617-494-2397	Margaret.Griffin@dot.gov
Sandra Swiacki	Milligan & Company, LLC	Lead Reviewer	215-496-9100	sswiacki@milligancpa.com
Benjamin Sumpter	Milligan & Company, LLC	Reviewer	215-496-9100	bsumpter@milligancpa.com
Renee E. Moore	Milligan & Company, LLC	Reviewer	215-496-9100	rmoore@milligancpa.com