



Construction & Materials Tips

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Enforcement of Electrical Certification

At the October 2002 D/D/O meeting in College Station, recent history in TxDOT's plans to improve the quality and safety of our electrical work was reviewed. The Department's efforts at improving the electrical work were given momentum several years ago when a citizen was electrocuted on one of our lighting systems. Wes Heald, the executive director at the time, asked us what else we could be doing to improve TxDOT's electrical systems. The following four-point plan was developed:

1. Improve the plans to show better grounding
2. Increase the use of the National Electrical Code
3. Implement new technology - the electrical and lighting monitoring systems (ELMS).
4. Improve the qualifications of our inspectors and contractors. This has been done through the electrical review team designed to get the districts more involved, by producing videotapes for training on electrical systems, and improving the electrical systems training course for inspectors and contractors (a person passing the test at the Electrical Systems Course then becomes a "certified person").

Special Provision to Item 8 requires a certified person or licensed electrician (abbreviated CP herein) to directly supervise or perform electrical work. Electrical contractors and prime contractors support this requirement. They realize they may have an extended liability when it comes to electrical systems. Some electrical team reviews contain findings of non-compliance with the requirement. The requirement can be verified by obtaining the certificates for the contractor designees or requesting a letter from the contractor that identifies the CP for the project by name.

The specification also requires a suspension of electrical work if there is not a certified person either doing the work or directly supervising those who are performing the work. Work performed during the time the requirement was not met is not in accordance with the specifications and TxDOT has the authority to withhold payment, delay payment until the work is carefully inspected and approved, or have the work redone.

Contractors can contact the Texas A&M Engineering and Extension Service to enroll in the electrical systems course. If you need further clarification, please contact Karl Burkett, P.E., Traffic Operations Division, at (512) 416-3121, or kburket@dot.state.tx.us.

Striving for a Totally Race Neutral DBE Program

“Race neutral” is a new term introduced in the latest United States Department of Transportation (U.S. DOT) rule changes to the Disadvantaged Business Enterprise (DBE) Program. It refers to those instances when a contractor voluntarily subcontracts to DBEs, despite the fact that there is no DBE goal on the project, or subcontracts to DBEs more than the DBE contract goal.

The rules require that TxDOT lower the DBE goals assigned to individual contracts based on the amount of race neutral participation reported each year. Currently, TxDOT has a 12.4% annual DBE goal to meet. Based on past experience it is expected that 6.4% of the annual goal will be met though race neutral means. Therefore, only 6% of the 12.4% goal is being assigned to individual contracts at this time. Due to the commendable actions of contractors who voluntarily subcontract to DBEs, the amount assigned on individual contracts has been decreasing each year.

The ultimate goal is for the DBE program to become a totally race neutral program. A voluntary program puts the control of the DBE goals for individual contracts in the hands of the prime contractors. The prime contractors can be flexible on how the goals are met on their projects.

For this concept to work, prime contractors must report all payments to DBEs each month. Without this information, TxDOT cannot report to U. S. DOT the total DBE accomplishments of the prime contractors. TxDOT is currently only assigning goals on projects to meet a 6% annual goal. Therefore, if the race neutral reports are not submitted the chances are that the 12.4% annual goal will not be met. When the annual DBE goal on highway construction projects is not met, TxDOT will be forced to raise, rather than lower, the assigned DBE goals on individual projects.

Administratively, the benefits to the prime contractors of a race neutral program are substantial. For example:

- ✓ Contractors would not have to submit commitment information prior to receiving their contract.
- ✓ Contractors would not have to submit good faith effort information on projects with assigned goals that could not be met.
- ✓ Contractors would get to choose which projects are more conducive to DBE subcontracting.
- ✓ DBE Progress reports are only required when payments to a DBE have been made, rather than monthly.

TxDOT has found that some DBE race neutral participation is not being reported. Striving for a totally race neutral DBE program requires that all payments to DBEs be reported by all prime contractors. A totally race neutral DBE program is possible if all prime contractors take responsibility for the program.

Also, reporting race neutral Historically Underutilized Business (HUB) and Small Business Enterprise (SBE) participation on highway construction and maintenance contracts is required to comply with State of Texas laws. Rather than monthly, reports of payments to certified HUBs and SBEs are required annually by 15 September or at project completion, whichever comes first.